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ACTION PLAN

Implementing
an
Effective Marijuana Prevention
and
Eradication Program
in the
Bureau of Land Management



A Special Task Force Report

February 1983

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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

STATE OFFICE

Federal-Office Building

2800 Cottage Way

Sacramento, California 95825

IN REPLY
REFER TO:

9262.5

C-910

FEB 24 1983

Memorandum

To: Director (100)

From: Associate State Director, California (Task Force Coordinator)

Subject: Transmittal of Task Force Report on Marijuana Eradication

Recognizing that the illegal cultivation of marijuana on public lands is a major problem which is rapidly growing worse, you and the State Directors requested that a Task Force be formed to develop a report of Bureau-wide scope for your consideration in resolving the problem.

The Task Force, which consisted of both line managers and staff people, met on February 2nd and 3rd in Reno to address the major issues BLM must resolve to implement an effective marijuana prevention and eradication program.

The report, which is attached, takes the form of an action plan which identifies critical issues and recommends specific actions to solve them. It also identifies, in the follow-up actions, the responsible official and dates by which actions should take place.

The action plan is fairly comprehensive. It covers Bureau-wide issues such as program priorities, accountability and program funding and it covers operational procedural issues within the program components of: Detection; Public Awareness and Safety; Employee Awareness and Safety and Law Enforcement.

Because no new funding is available for this program in FY 83 the action and follow-up items are intended to be pragmatic and realistic. However, many of them have short target dates because guidance is needed within the next 60-90 days prior to the growing season this year.

The Bureau-wide comprehensiveness and the urgency for guidance may indicate the need for top management oversight and coordination for getting the necessary review of the report by State Directors, getting decisions made rapidly, and monitoring implementation.

Members of the Task Force are available for briefings or to answer questions.

Enclosure:

Task Force Report

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Ron H.

TABLE OF CONTENTS

	Page
INTRODUCTION.	1
BACKGROUND.	2
EXECUTIVE SUMMARY	4
I. BUREAUWIDE POLICY AND PROGRAM ISSUES.	7
II. DETECTION	11
III. PUBLIC AWARENESS AND USER SAFETY.	16
IV. EMPLOYEE SAFETY AND AWARENESS	19
V. LAW ENFORCEMENT: MARIJUANA PREVENTION AND ERADICATION.	22
SUMMARY OF ACTION AND FOLLOW-UP ITEMS	30

APPENDICES

- A. GAO Report to Secretaries of Agriculture and Interior: "Illegal and Unauthorized Activities on Public Lands -- A Problem With Serious Implications"
- B. BLM Instruction Memorandum No. 83-93: "Marijuana Eradication Policy for BLM" with Enclosure: Statement of Director Before the Subcommittee on Forests, Water Resources and the Environment, for the Hearing on Cultivation of Marijuana on Public Lands
- C. Memorandum from California State Director: "A Program for the Eradication of Marijuana on the Public Lands in California"
- D. Memorandum from Chief Division of Operations (BLM Oregon): "Western Oregon Action Plan - Marijuana Eradication"
- E. Draft: BLM Marijuana Prevention and Eradication Program - Public Affairs Plan
- F. Draft: Detection of Marijuana Plantations on Public Lands
- G. Briefing Paper: Control of Marijuana (Herbicides)

INTRODUCTION:

Since the publication of the United States General Accounting Office report entitled "Illegal and Unauthorized Activities on Public Lands -- a Problem with Serious Implications," CED 82-48, dated March 10, 1982, the Bureau of Land Management, other resource management agencies, and various law enforcement agencies have become increasingly aware of the rapid growth of the illegal cultivation of marijuana on public lands.

This rapid growth has detrimentally affected multiple resource management on the public lands as well as public use of these lands. BLM managers soon became increasingly aware of the effect the problem was having on the visiting public, Federal employees and the latter's ability to manage the public lands. BLM in California and Oregon began to study and accumulate extensive data regarding the marijuana cultivation problem. These studies, and other accumulated information, indicated that this was a total BLM problem and that guidance, special studies, and an action program needed to be developed at the national level of BLM. The State Directors made this known at their last meeting in Denver, Colorado.

The Directorate requested concerned states to designate one or two knowledgeable employees to participate on a Special Task Force to formulate an action plan to implement national BLM policy concerning eradication of marijuana on the public lands.

Special Task Force participants were:

Ron Hofman, Associate Director, California - Coordinator;
Dick Freel, Associate DM, Grand Junction, Colorado;
Hugh R. Shera, District Manager, Medford, Oregon;
Richard N. Johnson, Special Agent in Charge, Oregon;
A. Daniel Hughes, Special Agent in Charge, Idaho;
Frederick W. Putsche, Jr., Special Agent in Charge, Eastern States;
William J. Malencik, Chief of Operations, Nevada;
Leonard Sims, Special Agent in Charge, Nevada; and,
Wm. T. Rolen, Jr., Chief, Resource Protection, Washington Office -
Coordinator.

Special advisors were:

David B. Howard, Special Agent in Charge, California;
Haywood E. Meeks, Public Affairs, Washington Office;
Tony Staed, Public Affairs, California State Office;
Skip Ashmon, Aviation Management, Washington Office; and,
Bill Bonner, Division of Scientific Systems, Denver Service Center.

Initially, Task Force members reviewed information concerning BLM early efforts, crime reports, and BLM experience to date. At that time, Task Force members jointly identified components of an action plan and the issues involved with those components. This rough data was assigned to Task Force work groups for further expansion. Individual work group reports were then presented to the entire Task Force for review, refinement and acceptance.

It was the consensus of the Special Task Force that this report be used as an outline of an action plan to address this serious problem. The report did not need to identify the problem. That had been accomplished by the General Accounting Office report, the U. S. Forest Service, and previous BLM studies. The report identifies the components and issues necessary for an effective marijuana eradication and prevention program, and lists recommendations for an action program to carry out national BLM policy.

BACKGROUND

In recent years, the illegal cultivation of marijuana on BLM-administered lands has become a serious problem. The influx of "pot" farmers onto the public lands has created a situation which now poses a threat to both BLM employees who manage the lands and to the public who use the lands.

This situation has evolved over the last five years to where it is currently estimated that in California, over 40 percent of the total state-wide marijuana crop is grown on BLM- and Forest Service-administered lands. Further, because of climatic and soil conditions, as well as the remote nature of large tracts of public lands, they are particularly suitable for growing marijuana. As a result, "pot" farmers increasingly use these lands for their illegal crops and the problem exists, to some degree, in all Western States. Recent news articles, in fact, confirm that the problem exists throughout the country.

The detrimental impacts of marijuana cultivation on the public lands falls into two major categories:

- (1) The public lands are becoming unsafe for citizen users and BLM employees, sharply reducing BLM's management capabilities.
- (2) Public resources and the environment are being severely damaged.

Impact on Users, BLM Employees and BLM Management Capabilities

The Bureau of Land Management field personnel and U.S. Forest Service (FS) personnel have reported numerous incidents involving users and visitors who, while using the public lands for ranching, logging, mining and recreational purposes, have been intimidated, harassed and assaulted by growers seeking to prevent legitimate visitors from discovering their illegal plantations hidden among the trees. BLM (and FS) employees who have been involved in timber projects, wilderness surveys, trail construction and maintenance, fire prevention, cadastral surveys, and wildlife protection studies, have stumbled onto marijuana plantations and been confronted by persons who suggest that violence upon their person will result if they report the location of the marijuana field to local law enforcement people or to BLM superiors. Threats and assaults have occurred against BLM personnel.

In addition, marijuana farmers have expanded upon the violent devices used during the recent Vietnam War, especially booby traps or antipersonnel weapons. Trip wires have been found attached to weapons which fire shotgun

shells at knee level; fish hooks hung at eye level from trees; punji sticks hidden where they will penetrate and injure hikers wandering near marijuana growing areas; and steel traps set to injure visitors who step on them, all are typical of the pot farmer's arsenal.

Defenders of marijuana farmers sometimes contend these individuals "are really law abiding citizens who, through economic pressures, have turned to pot growing as a sideline." They like to claim that marijuana growing, sale and use are "victimless crimes."

However, it no longer is "victimless" when the public and/or BLM employees are threatened, coerced, intimidated or deprived of the use of public lands.

Damage to the Resources and the Environment

Arsenic-base poisons are used around marijuana plantations to eradicate small animals, including rodents, which seem to enjoy eating marijuana plants. The arsenic residue kills most small animals near the plantation, and the deadly effect extends along the food chain as other animals and birds such as raptors consume the rodents and die as well. In addition, the leaching of the poisons into water supplies throughout the area spreads the deadly results and the poison ultimately may find its way into domestic water supplies downstream.

BLM's Responses to the Problem

On November 12, 1982, in an Instruction Memorandum (No. 83-93), the Director set the policy for BLM: "The cultivation of marijuana on the public lands is illegal, and an unauthorized use of the public lands which often has adverse impacts on public resources, public access and safety, and the safety of BLM employees. It is the policy of BLM to work cooperatively with other land management and law enforcement agencies to prevent the cultivation of marijuana on the public lands. BLM managers and law enforcement personnel will coordinate with local law enforcement officials to meet this goal. The local law enforcement agencies have the lead responsibility for taking enforcement and legal action.

The Director said the BLM State Directors should ensure that BLM's program for the prevention of marijuana consists of:

- A central records system where information on marijuana cultivation on public lands will be reported, compiled, updated, and disseminated by the Law Enforcement Staff to proper law enforcement authorities for action.
- Development of an employee awareness program which will help BLM employees conduct their duties in a safe manner when confronted by a situation related to marijuana cultivation on public lands.

EXECUTIVE SUMMARY

- Development of a public awareness program which assists the public generally in knowing the status of BLM's efforts to eradicate marijuana on the public lands, and help them to reduce their personal risk when confronted by a situation related to marijuana cultivation.
- A provision for financial and personnel assistance to enforcement agencies, where appropriate, to help eradicate marijuana on BLM-administered lands.

In February 1983 a special task force was established by the Director and in conjunction with the State Directors, to develop an action plan to implement an effective marijuana prevention and eradication program.

EXECUTIVE SUMMARY:

This task force report identifies the major issues the Bureau of Land Management currently faces and must resolve to implement an effective marijuana eradication program.

The first category of issues relates to Bureauwide Policy and Programs. Initially BLM must incorporate the marijuana prevention and eradication program into the Management by Objectives system (the Bureau's priority setting and tracking system) if it is to mean anything at all as a new program competing with many others for scarce resources.

Also, as a second issue BLM must clarify who is accountable for the success of this program. Part of this task is to rewrite standard functional statements and the delegation manual, but ultimately it must be made clear that this is a resource management problem not just a law enforcement problem, and line managers will be accountable for the program. This can be accomplished by making it a "critical element" in the State Director's PIPR (Performance Improvement and Position Review).

A third, and most significant issue, is that the Bureau has not provided a way to identify the funding needs for this program. To do that, field offices should develop a FY 1983 AWP using the benefitting activity approach because adverse impacts accrue to all resource programs; this AWP should be thoroughly reviewed at midyear in line with MBO and PIPR objectives and changes made accordingly.

A FY 1984 package should be developed and compared to existing priorities for FY 1984 funding and adjustments made as top management sees fit. The FY 1985 program package directives must be revised to permit a realistic picture of the out-year program needs to be developed. In FY 1984 and beyond the program should have its own funding basis and the benefitting activity approach should be dropped.

A fourth Bureauwide issue centers on the need to establish a full-time coordinator to work with the U.S. Forest Service, the Drug Enforcement Agency, the State Department, and other agencies.

The second major category of issues relates to implementing an operational program in BLM -- the nuts and bolts of a program.

The first set of issues revolves around detection of marijuana on BLM-administered lands. The fact is, we know there is a big problem but we do not know just how big. Detection actions include intelligence gathering including coordinating with local law enforcement people, advertising a hot-line opportunity, tapping into the Western States Information Network, reports from employees, and through informants.

The second set of issues involves aerial detection systems. Each state aviation management officer should begin work immediately with the Washington Office and BIFC to coordinate and develop plans for the 1983 marijuana growing season. This will include clarification of the regulations, use of contracts, complimentary use of aircraft (i.e., fire protection and marijuana flights), and training of spotters and eradication crews.

A third and final set of detection issues relates to remote sensing and aircraft photography. The Bonner Report provides an excellent analysis of this high technology capability for marijuana detection. Basically, the task force recommends BLM provide initially a full-time person at DSC to work with NASA, USFS, DEA, and others on detection technology for long-term use. This individual should also follow up on developing a total plan for a BLM data base. It is important that in FY 1983 this individual work with field offices on the use of aircraft mounted detection devices, and the use of aerial photographs and various types of maps.

Another set of operational program issues relates to public awareness and safety and is intended to confront the problem of helping public land users know what they may run into and what to do about it if they do. A public awareness campaign is attached to this report that outlines specific action steps that include use of posters, videotapes, slides and brochures. It is recommended that each state, district and area office, in coordination with the WO, develop its own specific public affairs plan or campaign, and that line managers take an active role in these plans.

A related set of issues involves employee awareness and safety, and again, line managers must be actively involved. California has developed and presented an All Employee Training Program. This report recommends that each state, using California material as a guide, develop and give their own training to employees in high marijuana incidence offices, and include it in orientation for seasonal employees and new employees in FY 1983. The Phoenix Training Center should prepare a standard module on this subject.

This report also deals with the law enforcement aspects of the program in two categories -- prevention and eradication. Prevention recommendations include posting known sites during the off-season and destroying or removing paraphernalia. Patrolling is also recommended by local law enforcement and BLM law enforcement, e.g., rangers as appropriate. Prevention through education is also recommended and ties back into the Public Awareness section.

Eradication issues relate to the Bureau policy of the lead role being with local law enforcement. BLM should provide support with equipment, personnel, funds and technical assistance. The role of non-law enforcement personnel in the eradication program is a major issue. The task force

recommends that under clear guidelines it is appropriate to use non-law enforcement fire personnel, but that this be cleared on a case-by-case basis by the line manager-in-charge. These guidelines need to be worked out for the coming season.

Finally, the use of herbicides is a sensitive issue that has many technical problems and will impact BLM public relations. We recommend further technical analysis and local flexibility in using this eradication technique.

POLICY & PROGRAM
ISSUES

I. BUREAUWIDE POLICY AND PROGRAM ISSUES

A. Goal Statement. The marijuana eradication program, like any new program, requires uniform policies, guidelines and procedures. It also requires special program emphasis to determine lines of responsibility, establish specific program accomplishments, and incorporate the program into the Bureau's planning, programming and budgetary processes. Special effort is required for a new program to assure coordination with other agencies and special interest groups who have a direct stake in the program. The goal of this section is to identify these sets of issues and make recommendations to resolve them.

B. Issues.

1. There is a need to identify marijuana eradication within the priority-ranking mechanisms of the Bureau.

a. Illegal marijuana cultivation is an international and national issue and is an important part of the President's War on Drugs. It has a major adverse impact on public land users, on BLM employees, on the resources and on BLM's capability to manage them. It constitutes the most valuable illegal crop in California (\$1.2 billion in 1981) and the third most valuable nationally. The violence and potential corruption associated with its cultivation has been officially deplored by local western communities and by BLM's traditional user groups.

b. The problem is that in spite of the importance of this program it has not yet been formally balanced with other programs to evaluate its priority, importance, and expected outputs. Also, being a new program, it must compete with ongoing programs having established advocates.

c. Recommendations.

1) Action - Within the Management By Objective System, develop Departmental and Bureau objectives for a program to prevent and eradicate the cultivation of marijuana on BLM-administered lands. Develop tasks and subtasks at the State level MBO that will achieve the Departmental and Bureau objectives in FY 1983 and are consistent with the action and follow-up items in this report.

Follow-up - The Director, Assistant Secretary Lands and Water Resources, and the Secretary using this report as backup and for briefing purposes, should develop and issue MBO objectives by March 15. State Directors should develop and incorporate into their state,

district and area office MBOs the appropriate tasks and subtasks by April 1. Routine follow-up can take place on a continuance basis through the MBO tracking process.

2. There is a need to clearly outline the delegations of authority and set the accountability for the marijuana eradication program within the Bureau.

a. If this program is perceived as a law enforcement problem only, it will probably fail or at best languish behind the scene. It is much broader. It affects all the resources and interest groups and it is very sensitive economically and politically at the local level. BLM line managers must be aware and involved.

b. The problem is that events have forced BLM to become accountable and active in some states (California and Oregon particularly), but no sense of accountability is pervasive Bureauwide.

c. Recommendations.

1) Action - Develop a briefing based on this report and present it at the next Executive Management meeting with support from the Director/Associate Director and the Deputies. Also present the briefing at a WO session with Assistant Directors and Division Chiefs with support from the Director/Associate Director and Deputies.

Follow-up - WO law enforcement and California SO prepare and present briefing at appropriate time.

2) Action - Develop a "critical element" related to accountability for this program in FY 1983 and amend it to each SD's PIPR with instructions that it be added to each line manager's PIPR.

Follow-up - WO Associate Director develop language and issue amendments to SDs' PIPRs by March 15 and review accomplishments at midyear and EOY.

3) Action - Review and revise functional statements at all levels to formally reflect marijuana responsibilities.

Follow-up - WO-Management Research revise manual by May 1.

- 4) Action - Review and revise the "Delegation of Authority" Manual (1203) to reflect marijuana responsibilities.

Follow-up - WO-Management Research revise manual by May 1.

3. There is a need to identify the funding needs for implementing and conducting a successful marijuana eradication program.

- a. Funding is a function of priority setting. The President's War on Drugs message put some priority on the program and indicated some "resources" would be available. BLM and the Department should identify the program needs within the context of the War of Drugs especially with Dr. Carlton Turner in the White House.

The DEA, the USFS and the State Department are involved in the program. Opportunity may exist to pool funds. This would seem advantageous because it is cost-effective to prevent it from being grown or to eradicate it on-site rather than wait until it is on the street and try to prosecute.

BLM could do quite a bit in FY 1983 with current funds in detection, public awareness and safety, employee awareness and safety and in law enforcement.

A reassessment could be made of the FY 1984 priorities to include funds for marijuana eradication at some level. An estimate of outyear funding is also needed.

- b. The problem is that funding capability for this program has not been identified for FY 1983; there was no mention of it at all in the FY 1983 AWP; it was not part of the FY 1984 budget considerations and there is no clear guidance in the 1985 package directives. Also, there hasn't been any funding payoff to date based on efforts at top management levels to coordinate or to integrate BLM program needs with DEA and USFS. A further problem is that although marijuana cultivation impacts all Bureau programs, it has not been put into the benefitting activity concept as yet.

- c. Recommendations.

- 1) Action - BLM and the Department discuss funding directly with Dr. Turner in the White House to determine official views on BLM's program relative to the President's War on Drugs.

Follow-up - Director, Assistant Secretary Land and Water Resources, and Secretary discuss with Dr. Turner at appropriate time.

- 2) Action - Establish a high level coordination point for BLM to discuss coordination with USFS, DEA, etc.

Follow-up - Associate Director issue a directive by March 15 naming accountable official and procedures.

- 3) Action - Each state prepare a FY 1983 AWP amendment for this program using the four program components: Detection, Public Awareness/Safety, Employee Awareness/Safety, and Law Enforcement, and using the benefitting activity concept as appropriate. This report should be the basis for the AWP Directives.

Follow-up - WO Deputy for Management Services work with Budget to issue a directive by March 15.

- 4) Action - Analyze the 1983 AWP amendment (in 3 above) and make appropriate adjustments at Midyear Review, especially to those states having the greatest needs in FY 1983. Cost coding instruction should be included.

Follow-up - WO Deputy for Management Services working with Budget at Midyear Review (May 10).

- 5) Action - Prepare an estimate of FY 1984 needs based on FY 1983 AWP amendments. Revise 1984 program priorities based on marijuana priority and establish a firm funding target which can be used for planning purposes. Drop the benefitting activity approach in FY 1984.

Follow-up - WO Deputy for Management Services working with Budget and field offices prepare FY 1984 needs prior to the 1984 Congressional Budget Hearings. Director discuss any changes in budget strategy with Assistant Secretary Land and Water Resources and Department and present accordingly.

- 6) Action - Amend the FY 1985 Program Package Directives to include requirements for marijuana prevention and eradication in FY 1985 and the outyears.

Follow-up - WO Deputy for Management Services and Budget Office issue directive by March 15.

DETECTION

II. DETECTION

- A. Goal Statement: From public land users and BLM employees, who discovered marijuana cultivation on public lands and reported it, and from law enforcement reports, BLM knows it has a major problem and a threat to its public responsibility for managing all the resources on the public lands. However, BLM does not know how big the problem really is, its magnitude by specific area, or how much reoccurs on the same site annually. It must be detected before it can be eradicated.

The goal of this section is to recommend specific actions to implement and maintain an effective marijuana detection system through intelligence gathering, aerial detection and through a scientific systems effort at the Denver Service Center.

B. Issues:

1. Intelligence Gathering: There is a need to gather, verify and keep current, information (from other than aerial detection) on the occurrence of marijuana on BLM-administered lands.

- a. An inventory system is needed to pull together information and keep a current, secure, and confidential file and to coordinate with other agencies gathering similar data.
- b. The problem is that specific steps and responsibilities have yet to be identified.

c. Recommendations:

- 1) Action - BLM law enforcement personnel in each state will contact Federal, State and local law enforcement authorities to verify reports of marijuana cultivation on BLM-administered lands, and to establish two-way future communication. Maps showing public land should be provided to law enforcement officials.

Follow-up - Operations Chiefs and Special Agents in each state complete survey and have communication system in place by May 15. Local information shared with DMs.

- 2) Action - The general public and public land users, i.e., hunters, fishermen, loggers, will be provided with information on how to report the occurrence of marijuana on public lands,

i.e., hot line number, etc. This reporting process will be coordinated with other resource managing agencies and law enforcement officials on a statewide basis. Reports can be kept confidential.

Follow-up - Each State Public Affairs Officer in coordination with other agencies through handouts, brochures, media spots, etc., will have this reporting process in place by May 15. All reports ultimately will be provided to the S.O. Division of Operations.

3) Action - Internal reporting procedures for BLM employees to report marijuana occurrences will be established ensuring the anonymity and safety of employees. Typically these procedures should be explained during employees' marijuana awareness programs.

Follow-up - W.O. Resource Protection provide general guidelines to each S.D. by March 15. Each S.D. working with the Operations Chief and the S.O. SAC issue statewide guidance by April 15. Each DM and AM review these procedures with all employees by May 1. Seasonal employees should be individually briefed by supervisors as they come on board. Procedures assure that ultimately all reports be provided to the S.O. Chief Division of Operations.

4) Action - A mechanism will be provided for all BLM marijuana occurrence information to be provided to the Western States Information Network (WSIN) sponsored by DEA. This facility is located in Sacramento, California.

Follow-up - California S.D. working with WSIN will develop procedures for BLM input and for getting output to BLM from WSIN and prepare a directive for the Director's signature by April 1.

5) Action - A system will be established to obtain crucial intelligence from informants and to provide payment for such information under tightly controlled guidelines.

Follow-up - W.O. Resource Protection work up draft guidelines in coordination with other agencies at the national level by March 15. S.D.s review procedures by April 1. Director issue final procedures by May 1.

2. Aerial Detection: There is a need to provide guidance on aerial detection of marijuana because of the distinctive color, the need for sunshine-lit clearings, being grown on south and west slopes below 6,000 feet elevation, and plantings in distinctive rows and near water sources, are all characteristics that permit marijuana to be detected by trained aerial spotters.

a. Procedures are needed that cover hazardous flights below 500 feet above ground level, passenger restrictions on hazardous missions, and use of specialized equipment like hoists, electronic location equipment, chemicals and firearms.

b. The problem is to accomplish this within FAA and OAS regulations, by utilizing legal aircraft contracting procedures, by trying to develop complimentary use procedures, i.e., fire and marijuana spotting, and to accomplish the necessary training.

c. Recommendations:

1) Action - Each State will develop a FY 1983 marijuana aerial detection/eradication plan working closely with other Federal resource management agencies such as USFS. The plan should also be coordinated with law enforcement agencies and identify who will fly, what area, when, and in what aircraft.

Follow-up - S.D.s will have a draft of the plan by April 1. S.O. Aviation Managers working with BIFC and the W.O. will have all aircraft inspected and personnel appropriately carded to meet the schedules in the plan. Aviation Management in the W.O. will work with FAA and OAS to clarify procedures for using aircraft and personnel for this purpose and provide written instructions to the field by May 1.

2) Action - Contracts currently used for aircraft (fire, etc.) will be examined and modified as appropriate for legal adequacy in marijuana detection and eradication efforts.

Follow-up - W.O. and BIFC Aviation Management working with the Solicitor will review and redraft where necessary BLM's aircraft contracts and provide contract forms and guidelines to the field by May 1.

3) Action - Guidance will be prepared to permit the aerial detection of marijuana as a complement to other aircraft missions. These include:

- ° Inhouse - Fire Detection
Cadastral Survey
Resource Inventories, etc.
- ° Other Resource USFS
Agencies - State Agencies, e.g. CDF
- ° Military - Training

Follow-up - W.O. Aviation Management will issue by April 1 a prototype MOU to be used with other agencies for complimentary flights and for reporting to BLM. S.D.s will finalize MOUs with appropriate agencies by May 15. W.O. Aviation Management will issue guidance by April 15 on the appropriate procedures for in-house complimentary aircraft use.

4) Action - Aircraft use training will be provided for BLM employees involved in detection and eradication efforts as identified in each State's FY 83 plan. This training includes spotter training, helicopter safety, use of slings, nets, skid baskets, etc, and use of pumps and helitanks.

Follow-up - Each S.D. will submit by March 15 a list of spotter trainees to W.O. Resource Protection. W.O. working with DEA (and BNE in Calif.) will develop a schedule of spotter training sessions to be concluded before May 1.

BIFC will develop in cooperation with the USFS a helicopter training program relating to marijuana eradication. This course should be given to BLM Special Agents before May 15. Once guidelines are developed for use of non-law enforcement personnel on eradication efforts, individuals selected by each S.D. will be given the helicopter training prior to July 1.

3. The Bonner Report: There is a need to evaluate current and potential technology for detecting marijuana utilizing satellites, high level aircraft and various photographic techniques.

- a. Other agencies, like NASA, the military and USFS have been doing work on marijuana detection using these technologies. BLM has done extensive work using satellite imagery in connection with range and forest vegetation monitoring.
- b. The problem is to coordinate all these efforts with other agencies in a consistent and effective way with the marijuana eradication programs on BLM-administered land. Bill Bonner of the Division of Scientific Systems at DSC prepared a report on this subject in January 1983. It basically found that LANDSAT is not appropriate and an aircraft multispectral scanner is too costly for BLM alone. It concluded that in the short run the USFS photo reconnaissance approach would be best for BLM.
- c. Recommendations:

- 1) Action - BLM will accept the recommendation in the Bonner Report for FY 1983 (See page 18 of the report which is in the appendix) utilizing currently on-board people and funding, but concentrating in California and working in close cooperation with the S.D. and the Regional Forester (USFS). Results will be evaluated by DSC, S.D., California, and the Regional Forester at the end of the 1983 growing season with recommendations on "next steps."

Follow-up - W.O. Resource Protection formally approve the Bonner Report and prepare implementation memo in cooperation with the S.D, California and the Region 5 Regional Forester by March 15.

PUBLIC AWARENESS
& USER SAFETY

III. PUBLIC AWARENESS AND USER SAFETY

- A. Goal Statement. In several western states, as happened in California, the press has frequently and dramatically presented the public with a picture of lawlessness and danger on the public lands because violent marijuana growers are protecting their crops and public service officials have done nothing to keep these lands open and safe. The national media contributes to this picture. The result is a public perception that any public land may be unsafe. A second problem is that some lands are indeed very unsafe and those millions of people who use them for their livelihood or recreation or both look to those responsible for these lands to at least warn them of unsafe areas and hopefully to make the lands safe again for legitimate users.

The goal of this section is to outline a program which will help the public understand the marijuana problem on BLM-administered lands and to provide information to users on what they may run into and what to do from a personal safety standpoint.

B. Issues:

1. Bureauwide campaign. There is a need to provide consistent guidance Bureauwide in a public awareness and user safety campaign.

- a. Being a sensitive media issue, the BLM's public awareness campaign on the illegal cultivation of marijuana must be well thought out and undertaken in a well timed way and in concert with the U.S. Forest Service and hopefully with BLM's major constituent groups, starting at the national level.

- b. The problem is that many in the public sector (and in BLM) may perceive the marijuana issue as a moral one, the good or bad of smoking pot from either a medical or ethical view. This is not the central or even pertinent issue for BLM and public arguments along those lines will be fruitless and wasteful. The hard focus for BLM to present to the public is that the illegal cultivation of marijuana on the public lands presents a safety hazard to millions of legitimate users and to BLM employees and has a direct adverse impact on the resources and where it occurs BLM does not now have complete management control of the public lands.

- c. Recommendations:

- 1) Action - Adopt the W.O. Public Affairs Plan (see appendix).

Follow-up - W.O. Public Affairs Officer finalize plan and issue as a directive by March 15. Each S.O., D.O., and A.O. develop its own Public Affairs Plan to be coordinated and approved by the S.O. PAO and the S.D. by April 1. These plans should be closely coordinated with the USFS locally.

2. User Safety: There is a need to provide for the safety of people who want to make specific use, i.e., cut firewood, in areas where marijuana is known or expected to occur.

a. This effort concerns the need to provide site-specific safety precautions.

b. The problem of user safety, whether it be mine shaft hazards or marijuana, centers on BLM's moral responsibility - if there is a danger BLM is morally obligated to make it safe or warn people and BLM's legal responsibility - BLM may be legally liable if people are injured, whether they are warned or not.

c. Recommendations:

1) Action - Establish in each field office a cross-referencing system between the central file on known and suspected marijuana occurrences (see detection) and the licensing/permitting process, and do not authorize use where in the judgement of the authorizing officer an extreme hazard may exist.

Follow-up - The Deputy Director for Lands and Renewable Resources with the W.O. Solicitor should issue a directive by April 1 providing guidance. Flexibility at the local level is needed as well as good documentation in the event of Tort Claims.

2) Action - Develop and provide applicants awareness and safety material along with their license or permits, also provide this material to local user organizations, groups or associations.

Follow-up - Each field office should develop steps in their public affairs plan to accomplish this action. Local flexibility is needed to prepare this material in time for the 1983 growing season.

3) Action - Develop and implement a schedule of user safety patrols through cooperative agreements with local law enforcement, utilizing the appropriate BLM employees or in coordination with the USFS, to provide more public safety in areas and during times when needed.

Follow-up - These schedules should tie to the prevention/eradication patrols (see Law Enforcement Section) but are for a different purpose. Each field office should have their safety patrols schedule in place by June 1.

EMPLOYEE SAFETY
& AWARENESS

IV. EMPLOYEE SAFETY AND AWARENESS

- A. Goal Statement. BLM is a decentralized, field-oriented, local decisionmaking organization. Its employees for the most part are educated and interested in public land and resource management. As such, BLM employees are not trained nor want to be law enforcement people. They want to be perceived by the public groups they deal with -- the loggers, miners, fishermen, etc. -- as resource professionals not as part of a Federal police force or as "Narcs."

BLM employees do not like the idea of being confronted by people such as illegal marijuana growers, or by booby traps, but they like even less the idea that illegal marijuana growers are adversely impacting resources and preventing "management" of some areas.

BLM field employees already face hazardous working conditions both in the natural setting and from certain members of the public. Many employees have been confronted in one way or another in the past.

Illegal cultivation of marijuana because of the large values of the crops, the current and potential involvement of organized crime, and from just what we have seen so far, presents a significant increase in the personal safety hazards faced by BLM people.

The goal of this section is to recommend a program which will help BLM employees understand the nature of illegal marijuana cultivation, BLM's policies and procedures for prevention and eradication, and, from a safety standpoint, what to look for in the field and what to do under various hazardous circumstances.

B. Issues:

1. To gain employee support, there is a need to provide all BLM personnel with a general understanding about BLM's policies and approaches to preventing and eradicating the illegal cultivation of marijuana on the public lands.
 - a. A consistent Bureauwide message is necessary and it should be conveyed by managers at all levels in open meetings which permit a helpful exchange of dialogue.
 - b. The problem is there are many personal perceptions about marijuana among BLM's employees. BLM must convey its message without trying to moralize or philosophize about the employees' personal values.

c. Recommendations:

- 1) Action - Develop a standard slide/tape presentation suitable for all employees covering the nature of the problem, what BLM is doing about it and why. The presentation should last 15 minutes and be preceded by a 5 minute standard presentation by local managers.

Follow-up - W.O. Public Affairs and Resource Protection, with input from California S.O., complete the presentation, and distribute appropriate copies to field offices by April 15. Field managers present at all-employee meetings by June 1. This material can easily be coordinated with similar material being developed for the public awareness and safety plan.

- 2) Action - Develop a package for use with beginning professionals in connection with their formal BLM training.

Follow-up - The Phoenix Training Center will prepare a module on this issue for general use beginning in FY 1984.

- 3) Action - Develop a package for use with new employee orientation.

Follow-up - Each S.O., using material from item 1) and other sources, will present this package beginning June 1.

2. There is a need to provide BLM field personnel, who may encounter illegal marijuana cultivation, e.g., cadastral survey crews, forest inventory crews, etc., training on what to look for and what to do.

- a. A highly professional training effort is needed to prepare employees for potentially hazardous situations.
- b. The problem is that BLM has had little experience in this specific training.

c. Recommendations:

- 1) Action - Use the California session as an initial model, but develop a comprehensive Bureau-wide training session using all appropriate inputs.

Follow-up - Initially each state should send one Special Agent and one other trainee to California for a two-day training session using California's session as a model. This should be accomplished before April 1. Each state will then present its own training to field employees in high marijuana incidence district or area offices. These sessions should include seasonal employees and should be concluded before June 15.

W.O. Resource Protection using personnel and training facilities at DSC should develop a highly professional, comprehensive training program for use Bureauwide before the 1984 growing season.

LAW ENFORCEMENT

V. LAW ENFORCEMENT: MARIJUANA PREVENTION AND ERADICATION

- A. Goal Statement. The most cost-effective way to deal with illegal cultivation of marijuana on the public lands is to prevent it from being grown. BLM's efforts so far have been more reactive and more costly eradication efforts. Much more can be done off-season to prevent both initial plantations and annual reoccurrences.

BLM, like the U.S. Forest Service, stresses that local law enforcement agencies will take the lead in the actual eradication efforts on public lands, and that BLM will provide support in the form of personnel, funding and equipment as appropriate.

As it turns out, there are many law enforcement agencies involved, Federal, State and local and usually several resource management agencies. It makes sense to coordinate these efforts and that is being done frequently in a "Task Force" approach at the local level.

The role of the BLM's law enforcement people, the Special Agents, is fairly clear -- to help coordinate law enforcement efforts at the State and district levels and to participate in direct eradication efforts if appropriate.

The role of law enforcement Rangers quickly enters the marijuana picture. Delegated Rangers could be used effectively in the program for both prevention and eradication. This adds to other pressing arguments to expand the Ranger program in the BLM. At a minimum the issue of expanding the California Desert Rangers to assist the marijuana program Statewide should be decided.

The role of BLM non-law enforcement personnel needs clarification and BLM's policy on this should be consistent with the U.S. Forest Service. There is strong agreement that non-law enforcement fire personnel could be used off-site. Fire personnel are trained in aircraft use and safety, chain saws and small tools, and to work in rough terrain. Seasonal crews are on-the-rolls anyway, they could be used effectively to help remove or burn marijuana on-site, if it has been safely secured. Clear guidance is needed. BLM employees who are foresters, geologists, who are not law enforcement and not fire people, should probably not be involved in the law enforcement aspects of the program at all.

A sensitive issue involves the potential use of herbicides. Aerial application of herbicides in steep country on small plantations is not effective with current equipment. State and Federal environmental procedures are highly restrictive. Also, due to the high sensitivity of any spray programs, it is likely BLM would lose public support for a marijuana eradication effort if that means aerial spraying of highly toxic herbicides. BLM's experience in the forestry program illustrates this point.

The goal of this section is to make recommendations to help implement effective prevention and eradication segments to the law enforcement portion of the program.

B. Issues: (Prevention)

1. There is a need to prevent (or at least impede) illicit marijuana cultivation on sites used in previous years.

- a. It is necessary to demonstrate to the growers that a specific site is known to authorities, thus providing a disincentive for using the site again the following year.
- b. The problem is to find the sites (the "Detection" phase), get to them and secure them (not likely to be occupied in off-season) and to demonstrate a continuing "presence."
- c. Recommendations:

1) Action - Develop general Bureauwide guidance. On-site work, even in the off-season, should be undertaken only with appropriate Federal, State, or local law enforcement presence. Guidance should cover a) criteria for posting/signing, and b) criteria for destruction and/or removal of growing equipment, supplies, paraphernalia, etc.

Follow-up - W.O. Resource Protection issue Bureauwide guidance by March 1 (urgent). S.O. law enforcement working with DMs and AMs identify high priority sites by March 15. S.O. law enforcement coordinate with local authorities and conduct operations that are feasible before growers begin returning to sites. Program repeated in following years.

2. There is a need to establish on-the-ground, high visibility law enforcement presence in the form of uniformed patrols (both vehicle and aircraft) especially at key times.

- a. It is necessary to both detect and deter potential growers from transporting growing equipment, young plants, etc., to sites on public lands.
- b. The problem is to time the patrols in the period just prior to the season and long enough into the season to prevent the initial set up, by determining the key access points to patrol.

c. Recommendations:

- 1) Action - Each state establish a schedule that shows who will patrol what area, when and by what means. This should be coordinated with law enforcement agencies through existing and new cooperative agreements.

Follow-up - S.O. Operations Chief working with DMs and other agencies establish the schedule (a secure, confidential document) by March 15 and implement it prior to and during the initial phases of the local growing season. This will be repeated in following years.

3. There is a need to focus prevention efforts through specialized awareness and education programs in specific high incidence areas.

- a. The need for this goes beyond the "Public Awareness and Safety" segment of this report. It is necessary to reach the local grower or potential grower with material geared toward preventing that person from starting a plantation on public lands.
- b. The problem is that right now the arguments and incentives for not growing are few and unconvincing. (The best incentive currently is through action to convince growers that if they invest heavily on BLM sites, BLM will find them and eradicate them.)

c. Recommendations:

- 1) Action - Establish a cooperative program with appropriate law enforcement agencies to determine: Who are growers? Why do they use public lands? What can be done to convince them not to use public lands for illegal activities?

Follow-up - W.O. Resource Protection contact DEA and USFS by March 15 and attempt to initiate a program by June 1. Concurrently BLM-California will contact the State Department of Justice (BNE) and Region 5 USFS to initiate a program.

B. Issues. (Eradication)

1. There is a need to clarify the role of BLM's law enforcement personnel - Special Agents.
 - a. BLM's policy is that local law enforcement agencies take the lead role in marijuana eradication on BLM-administered lands. There must be a clear understanding

with these agencies who the accountable people are in BLM to work cooperatively with them on the law enforcement aspects of eradication.

- b. The problem is that while BLM's Special Agents must have a role with other law enforcement agencies and while there is a need for information security, such as raid dates, etc., BLM line managers also must remain closely involved.

- c. Recommendations.

- 1) Action - Develop and issue a directive which clearly identifies the responsibilities relating to actual eradication efforts. Basically, BLM Special Agents should be responsible for working out the technical details with local law enforcement and be authorized to accompany local law enforcement personnel on raids on BLM-administered lands. The State Director should be authorized to permit BLM law enforcement agents to take part in raids on other Federal land under Task Force situations on a case-by-case basis. The local BLM line manager must be kept informed at each step during the planning and implementation of raids and have the authority to cancel them for good reasons. The directive should provide guidance on confidentiality of information about raids.

- Follow-up - WO Resource Protection draft directive by March 15. Associate Director personally check with SDs by phone and issue final by April 1.

- 2. There is a need to clarify and expand the role of BLM's uniformed law enforcement Rangers to assist in marijuana prevention and eradication.

- a. Recent efforts from several State Directors to expand the BLM Ranger Force into areas where the need is great have not proven successful. Initially the California Desert clearly identified a need for a trained natural resource management professional, but one who may encounter or be asked to participate in situations where Federal law enforcement is urgently needed on-site, and who can respond as a trained law enforcement person. Because of increased public use of the desert, and because of the success of the Desert Rangers, their possible use in other BLM areas has been urged. The need to use law enforcement rangers in the marijuana prevention and eradication program makes a decision on this issue more urgent and definitely more forceful.

- b. The problem is that regardless of previous arguments to expand or not expand BLM law enforcement Rangers forces, their use in the marijuana program has never before been addressed.

c. Recommendations.

- 1) Action - Develop and issue a directive which permits the use of the California Desert Law Enforcement Rangers in the 1983 statewide prevention and eradication program in California. Require an ongoing evaluation of their input and make recommendations for expansion in subsequent years.

Follow-up - WO Resource Protection with SD, California develop and issue directive by April 1.

- 2) Action - Revise the decision documents, rationale, etc., for expanding law enforcement rangers Bureauwide to include arguments relating to Rangers being utilized in the marijuana eradication program.

Follow-up - WO Resource Protection revise decision document, etc., by March 15.

- 3) Action - If a decision is made to expand the law enforcement ranger force, including their use in marijuana prevention and eradication, request a state-by-state analysis of their use in FY 1984.

Follow-up - WO Resource Protection issue request at the appropriate time.

3. There is a need to clarify the role of BLM's non-law enforcement personnel - fire personnel.

- a. A distinction must be made for on-site and off-site activities. Typically marijuana is cut and removed then weighed and transported to a secure area to be burned. It would be highly cost effective in these cases to have BLM fire crews burn the marijuana in a nearby safe place.

A strong argument can be made to use fire crews on-site to cut the marijuana and transport it out or in some cases to burn it on-site. Fire crews are trained in helicopter use and safety, the use of chain saws and small tools and how to operate safely in rough terrains.

Arguments are made against using people who are untrained in law enforcement in case some sort of armed resistance is encountered. Growers may be willing to confront people who want to steal their crop, or may run off other

casual users. They may even retaliate against a raid by starting fires, etc. But, it is not likely that they will even be on site during a raid or remain. They would gain little by confronting a dozen armed and trained law officers. Finally, officers always secure the area for their own safety and these same safety precautions could be taken to protect fire personnel on-site.

b. The problem is to clearly outline the circumstances when non-law enforcement fire people can be safely and efficiently used.

c. Recommendations.

1) Action - Develop and issue a directive which establishes guidelines for use of fire personnel during raids on- and off-site. It should establish that in no case will these personnel be used unless: a) the area has been completely secured to the satisfaction of a BLM Special Agent and b) the State Director has personally approved their use. (Typically the SD will want to assure that the fire crews are trained, are volunteers, are hand picked, are not from the same district, are housed away from town during the operation and always have a BLM Special Agent with them on-site.

Follow-up - WO Resource Protection draft directive by March 15. Associate Director discuss personally with all SDs by phone and issue final by April 1. (This follow-up can be done with recommendation No. 1.)

4. There is a need to clarify the role of BLM's non-law enforcement personnel - other than fire.

a. BLM's foresters, mining engineers, cadastral surveyors, wildlife people, etc., need to be on-the-ground doing their jobs. They are doing BLM's traditional mission of managing the resources. They have to meet and be on good terms with local user groups and community organizations of all kinds.

b. The problem is that these BLM employees should never be viewed as part of a Federal police force or as part-time narcotic agents.

c. Recommendations.

1) Action - Develop and issue a directive which clarifies the role of BLM's non-law enforcement people who operate in the traditional resource management roles. Basically it

should describe: a) they should not get involved in eradication or prevention efforts; b) they should report any illegal activities including the growing of marijuana on the public lands (they can remain anonymous); and, c) their own conduct is governed by Federal Regulations.

Follow-up - WO Deputy for Lands and Renewable Resources, with the Deputy for Energy and Minerals draft directive by March 15. Associate Director personally discuss with SDs by phone and issue final by April 1.

5. There is a need to clarify the role of BLM in "other support" activities, funds, equipment, etc.

- a. BLM has existing cooperative agreements with local officials to protect and enforce laws on public lands. These agreements and the opportunity for new ones need to be examined for application to marijuana eradication efforts as well as to preventative patrols, etc.

Also, when BLM enters coordinated task force efforts, e.g., in California, it is called on to provide equipment such as chain saws, hand tools, vehicles, fuel, etc.

- b. The problem is that just providing funds (from whatever source) to local sheriffs to fight marijuana is not always the answer, especially when the problem is widespread on BLM, USFS and private land. BLM, as a "good neighbor," is expected to do its full share to provide support, other than money, directly.

c. Recommendations.

- 1) Action - Develop and issue a directive which requires a reanalysis of all cooperative agreements in FY 1983 in light of the marijuana problem. Outline in the directive specific language to be included to cover this activity. Issue a separate directive which authorizes BLM to provide supplies and equipment for raids, and which also outlines the rules when BLM assists in raids on other Federal or private lands, e.g., one task force is outfitted and makes coordinated raids on different land ownerships during a given period of time.

Follow-up - WO Deputy for Management Services prepare and issue the directive on cooperative agreements by March 15. Each SD revise cooperative agreements as appropriate by April 15.

WO Deputy for Management Services prepare and issue directive on BLM providing support equipment and supplies by April 1.

6. There is a need to clarify the application of herbicides as a marijuana eradication technique on public lands.

a. BLM and other agencies have policies and procedures regulating the use of herbicides for a wide variety of purposes. These need to be examined and redefined for use on marijuana.

b. Three problems exist. One is the technical problem of spraying small plantations in steep country to achieve an adequate kill. The second is that in order to spray, BLM must go through the time consuming task of complying with Federal, State and local environmental laws. Third is the real danger of losing public support for marijuana eradication because of the methods we must use.

c. Recommendations.

1) Action - Develop a coordinated plan with USFS, DEA and the State Department to: a) review the current technology; b) relate it to Federal land situations; and, c) make recommendations about current and future use of herbicides including needed research. Issue an Interior directive relating use of herbicides for marijuana eradication to current BLM policy and procedures, and above all stress the need for flexibility in decision-making by the local line managers on a case-by-case basis.

Follow-up - WO Deputy for Lands and Renewable Resources and the Deputy for Management Services jointly work with USFS, DEA, etc., on the plan the results of which should be available in early FY 1984. They should also issue the interim directive by April 1, 1983.

ACTION & FOLLOW-UP
SUMMARY

MARIJUANA TASK FORCE REPORT

ACTION ITEM/FOLLOW-UP

SUMMARY

ISSUES	ACTION	FOLLOW-UP	TARGET DATE
I. Policy & Program			
1. Priority Ranking	MBO-Ranking	Director/ASL&W	March 15
2. Delegations of Authority	Briefing-Exec. Mgt Meeting	W.O. & Ca. Law Enforcement	As Needed
	Develop Critical Element - PIPR	Assoc. Dir.	March 15
	Revise Functional Statements	W.O. Mgt. Research	May 1
	Revise Delegation Manual	W.O. Mgt. Research	May 1
3. Funding Needs	Discuss with Whitehouse	Dept-ASL&W	Appropriate Time
	Establish high level coordination	Assoc. Dir.	March 15
	83 AWP Amendment	SD/DD Mgt. Serv/	
		W.O. Budget	March 15
	Adjust at Midyear	DD Mgt. Serv/Budget	May 10
	Estimate FY 84 needs	DD Mgt. Serv/Budget	Prior to 84 Congressional Budget Hearings
	Amend FY 85 Program Packages	DD Mgt. Serv.	March 15
II. Detection			
1. Intelligence Gathering	Fed/State/Local contacts	State Ops/Special Agents	May 15
	Inform public land users how to report	Public Affairs	May 15
	Internal Reporting Procedures	Guidelines developed by (710)	March 15
	Provide info to WSIN	SD	April 1
	Obtain intelligence from informants	W.O. 710	May 1
2. Aerial Detection	Plan Development	SDs	April 1
	Revise Aircraft Contracts	WO/BIFC	May 1
	Detection while on other missions -		
	Develop guidance	W.O. Aviation	April 1
	Aircraft Training	SD	March 15
	Evaluate the Bonner Report	W.O. Resource Protection/SD/Region 5 F.S.	March 15

ISSUES	ACTION	FOLLOW-UP	TARGET DATE
III. Public Awareness & User Safety	Adopt W.O. Public Affairs Plan	W.O. PAO	March 15
	Develop State PAO Plan	SO/DO PAOs	April 1
	Develop filing system on occurrences	DD Lands & Renewable/Sol PAO	April 1 83 growing season
	Develop applicants awareness material		
	Schedule safety patrols through Cooperative Agreements	SACs	June 1
IV. Employee Safety & Awareness	Develop slide tape presentation	W.O. PAO	April 15
	Develop package for beginning employees that attend Phoenix Training Center	Phoenix Training Center	FY 84
	Develop package for new employees orientation	SDs	June 1
	Develop Bureau-wide training	WO-Resources Protection	April 1
V. Law Enforcement	Development Bureau-wide guidance	WO-Resources Protection	March 15
	Schedule patrols	SO-Law Enforcement	March 15
	Establish Coop. Program	SO-Law Enforcement	June 1
	Develop directive to identify Law Enforcement responsibilities	WO - Resources Protection	April 1
	Develop directive to use CDD Rangers	WO-Resources Protection	April 1
	Expand Ranger Program	WO-Resources Protection	March 15
	Analyze States use of Rangers	WO-Resources Protection	FY 84
	Develop guidelines for use of Fire Personnel	WO-Resources Protection	March 15

ISSUES	ACTION	FOLLOW-UP	TARGET DATE
	Develop clarification of BLM non-law enforcement personnel	WO Deputy for Lands & Renewable Resources	April 1
	Re-analyze Cooperative Agreements	WO Deputy for Mgt. Services SD Revise	March 15 April 15
	Develop plan with FS/DEA to evaluate use of herbicides	WO-Lands & Renewable Resources	April 1

APPENDICES

GAO REPORT

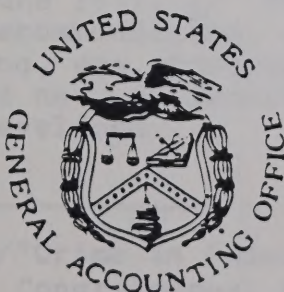
BY THE U.S. GENERAL ACCOUNTING OFFICE

Report To The Secretaries Of Agriculture And The Interior

Illegal And Unauthorized Activities On Public Lands---A Problem With Serious Implications

Illegal and unauthorized activities on Federal lands--crimes against persons and property, marijuana cultivation, timber thefts, and trespassing--limit the ability of others to use and enjoy resources and recreation facilities. GAO's reviews in California and Oregon show that the Bureau of Land Management and the Forest Service are not effectively enforcing pertinent laws and regulations. The National Park Service is doing a better job, but is experiencing some problems.

Land managers, by issuing and enforcing regulations, have the power to control illegal and unauthorized activities. Accordingly, more emphasis should be given to enforcement activities and clearing up the confusion field officials have about their law enforcement responsibilities and powers. Many of the problems stem from management constraints on travel, vehicle use, and duty hours.



CED-82-48
MARCH 10, 1982



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

COMMUNITY AND ECONOMIC
DEVELOPMENT DIVISION

B-203050

The Honorable John R. Block
The Secretary of Agriculture

The Honorable James G. Watt
The Secretary of the Interior

During our review in California and Oregon of the Federal role in providing outdoor recreation, we noted that field officials at selected locations of the Bureau of Land Management (BLM), Department of the Interior, and the Forest Service (FS), Department of Agriculture, were not always effectively enforcing laws relating to illegal and unauthorized activities on public lands. Although the magnitude and seriousness of such activities--crimes against people and their property (such as burglary and larceny), marijuana cultivation, timber thefts, and trespassing--are not fully known, available evidence indicates that such activities are widespread and increasing on BLM and FS lands. Field officials of Interior's National Park Service (NPS) were doing a better job of enforcing laws and regulations in park areas in California. Nevertheless, NPS was also experiencing an increase in crimes against people and their property.

For each of the three agencies, we noted some management constraints, such as travel, vehicle, and duty restrictions, that were limiting efficient and effective enforcement activities.

Although many factors, including limited agency resources and remoteness of the land, contributed to the rise in illegal and unauthorized activities, a primary factor is that the agencies' top management did not believe that a serious problem existed. This belief was due in part to a lack of information on the magnitude and seriousness of illegal and unauthorized activities on the public lands the agencies manage nationwide. Interior has not developed effective, uniform, and timely management information systems as we previously recommended in June 1977. ^{1/} The Forest Service, responding to our previous recommendation, developed a reporting system which, after testing, was approved for use in October 1981. Because the system is new, nationwide Forest Service statistics have not yet been developed.

^{1/}"Crime in Federal Recreation Areas--A Serious Problem Needing Congressional and Agency Action" (GGD-77-28, June 21, 1977).

Without such crime data, it is very difficult for management at any level to determine the magnitude of the crime problem and assess or evaluate the effectiveness and efficiency of law enforcement efforts. Therefore, Interior should develop reporting systems which, together with FS' system, should provide top management with valid and reliable information on the seriousness and extent of crime in national parks, forests, and public domain lands.

The Departments of Agriculture and the Interior should also

- inform field staffs of their obligations and responsibilities to enforce laws and regulations on public lands and
- remove constraints which limit the scope or coverage of law enforcement activities, such as travel, vehicle, and duty assignment restrictions, to the extent possible.

OBJECTIVES, SCOPE, AND METHODOLOGY

We directed our work toward identifying the nature and extent of illegal and unauthorized activities occurring on NPS, BLM, and FS lands in southwestern Oregon and California and the agencies' efforts to combat them. The following Federal installations and corresponding locations were included in our evaluation.

<u>Agency and installation</u>	<u>Location</u>
Forest Service:	
Pacific Southwest Region	San Francisco, Calif.
Pacific Northwest Region	Portland, Oreg.
Siskiyou National Forest	Grants Pass, Oreg.
Rogue River National Forest	Medford, Oreg.
El Dorado National Forest	Placerville, Calif.
Stanislaus National Forest	Sonora, Calif.
Sierra National Forest	Mariposa, Calif.
San Bernardino National Forest	San Bernardino, Calif.
National Park Service:	
Western Regional Office	San Francisco, Calif.
Yosemite National Park	Yosemite, Calif.
Lassen Volcanic National Park	Mineral, Calif.
Golden Gate National Recreation Area	San Francisco, Calif.
Santa Monica Mountains National Recreation Area	Los Angeles, Calif.
Bureau of Land Management:	
California State Office	Sacramento, Calif.
Oregon State Office	Portland, Oreg.
Medford District Office	Medford, Oreg.
Redding District Office	Redding, Calif.
Susanville District Office	Susanville, Calif.

We centered our study at these locations because activities there represent the types of Federal land management activities within these States. We did not look at BLM's ranger program in southern California because it is unique to that area and is not comparable to BLM law enforcement efforts elsewhere. We made our review in accordance with GAO's current "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions."

At the respective installations, we interviewed NPS, FS, and BLM officials, including NPS park superintendents and law enforcement officials, FS regional and/or assistant foresters, and BLM regional or acting assistant regional directors and their respective law enforcement officials. We also discussed illegal activities occurring on FS and BLM lands with officials of six county sheriff departments; the Department of Justice's Drug Enforcement Administration (DEA); and the Department of the Treasury's Bureau of Alcohol, Tobacco, and Firearms.

We discussed our findings with NPS, BLM, and FS headquarters officials responsible for management and law enforcement programs and activities. These included NPS' Associate Director for Management and Operations and Chief, Ranger Activities and Protection Division; BLM's Associate Director for Management and Technical Services and Chief, Resource Protection Division; and FS' Deputy Chief for Administration, Director of the Fiscal and Accounting Staff, and Chief, Law Enforcement Group. In addition, we received comments from officials of Interior's Enforcement and Security Management Division.

We asked agency officials to define for us the causes for specific illegal or unauthorized conditions. We were not able to obtain documented information on the magnitude of illegal or unauthorized activities although Federal and local officials provided estimates.

We also reviewed (1) authorizing legislation, (2) the Departments' rules and regulations pertaining to law enforcement, (3) internal agency program evaluations and studies, including those of Interior's Office of Inspector General, and (4) prior GAO reports.

ILLEGAL AND UNAUTHORIZED ACTIVITIES ON FEDERAL LANDS IN CALIFORNIA AND OREGON

Historically, Federal land managers have had resource-related backgrounds, attuned to managing isolated environments that were relatively free of people and of illegal or unauthorized activities. However, since the late 1960's, increasing numbers of people have been attracted to Federal land because of its valuable natural resources, remoteness, climatic conditions, and recreational opportunities. With changing technology, population increases, and changing times, land managers are increasingly faced with the following illegal or unauthorized activities.

- Crimes against people and their property: Persons using public lands for recreation have been confronted with criminal activity, such as burglary and larceny. Documented evidence and those persons we interviewed indicated that this activity is increasing. However, at the same time, Federal and State governments have undergone budget cuts limiting their resources. Consequently, better management is needed so that Federal law enforcement officials can properly investigate violations. (See app. I.)
- Marijuana cultivation: According to Federal, State, and local officials and published documents, illegal marijuana cultivation is extensive and widespread on Federal lands throughout California and Oregon. Although confiscation and eradication efforts have been made on Federal lands, county sheriffs and Federal law enforcement agents told us that they are unable to effectively control marijuana cultivation. The value of the 1981 marijuana harvest in California alone was estimated to possibly exceed \$1 billion. Federal and State drug raids on marijuana farms took place in 43 of California's 58 counties, and in the summer of 1981 DEA agents confiscated \$22 million worth of marijuana on BLM and FS lands in southwestern Oregon. ^{1/} In addition, marijuana cultivators adversely affect public use (recreationists are sometimes harassed and assaulted) and employees' ability to do their jobs. According to FS field officials, timber production quotas are being met, but both loggers and Federal employees sometimes must work in a hazardous environment. Because of the hazards, timber is sometimes harvested in areas not previously scheduled for harvest, a practice which could have a long-term effect on timber quotas. (See app. II.)
- Timber thefts: According to FS and BLM field officials and documents, timber thefts are a serious and increasing law enforcement problem resulting in monetary loss and environmental damage. FS and BLM headquarters officials said that they could not assign a dollar value to timber thefts but estimated that the cost runs into millions. (See app. III.)

^{1/}DEA agents told us that one of DEA's responsibilities is eradicating marijuana on public lands and that DEA conducts eradication operations jointly with State and local law enforcement officials under the authority of section 503 of the Controlled Substances Act (21 U.S.C. 873(a)(5)). However, one DEA agent said that marijuana control efforts are subordinate to DEA efforts involving hard drugs such as heroin and LSD. As a result, this agent told us that assistance from NPS, FS, and BLM law enforcement officials has been and will continue to be desirable.

--Trespass: Unauthorized occupancies, paramilitary activities, garbage dumping, grazing violations, and cultural artifact thefts are also occurring. The result is the loss of irreplaceable artifacts; the destruction of public property; unsightly or unsafe conditions; conflict with legitimate users; and in some cases, the loss of Federal revenue. (See app. IV.)

SOME LAND MANAGERS HAVE NOT
ENFORCED ALL LAWS AND REGULATIONS

In California and Oregon, as elsewhere, the Federal land management agencies' ability to exercise law enforcement powers may be constrained by the jurisdictional status under which the Federal Government holds a particular land area. Federal lands, even within the control of a single agency, may be held in any one of three different jurisdictional categories: exclusive, concurrent, or proprietary. 1/ Each category varies in terms of the prescriptive and enforcement powers possessed by the Federal and State governments. The complexities of the jurisdictional differences are a source of much confusion among Federal land managers.

In California and Oregon, illegal and unauthorized activities are having a substantial effect on resource utilization. Because of this effect, Federal land management agencies may prescribe and enforce rules controlling such activities regardless of the jurisdictional status of the land area in question, so long as the Federal Government holds minimal proprietary jurisdiction. Although the statutory law enforcement powers of each of the three land management agencies vary, 2/ all three have, at a minimum, the power to promulgate and enforce (for example, through arrest or citation) regulations intended to prevent interference with proper management and utilization of public resources.

The agencies' law enforcement responsibilities are set forth in their regulations. However, headquarters, regional,

1/In exclusive jurisdiction areas, legal authority rests with the United States, thus generally precluding the exercise of legal authority by State and local agencies. Other areas fall under concurrent jurisdiction, which allows the exercise of appropriate authority by State, local, and Federal agencies. In proprietary jurisdiction areas, the Federal Government has acquired title to land within a State but has not received any measure of the State's authority over the land.

2/Law enforcement powers of Agriculture and Interior land managers are provided for in 16 U.S.C. 1a-6 (NPS), 16 U.S.C. 551a, 559 (FS), and 43 U.S.C. 1733 (BLM).

and field management levels are not always consistent in dealing with certain activities. FS, for example, allows regional managers to set their own local policies; it does not have uniform, nationwide law enforcement policies. As a result, regional FS managers in Oregon did not accept the law enforcement responsibility for stopping marijuana cultivation. In California, however, an interdisciplinary team is assessing the extent of marijuana cultivation, and FS law enforcement officials participate with State and local officials in marijuana eradication efforts. FS regional policy in Oregon instructs employees to report incidents to local officials but not to participate in marijuana eradication efforts.

Although enforcing laws against marijuana cultivation is not an accepted FS responsibility in Oregon, in both Oregon and California FS accepts responsibility for dealing with timber thefts. However, some FS officials in the two States told us that with the increasing level of timber theft, more attention should be given to the problem. For example, in California several FS special agents told us that a lack of accountability in administering the FS public firewood permit system contributes to timber losses. Primarily, FS does not follow up to ensure compliance with permit terms.

BLM land managers in California and Oregon were not effectively carrying out all their law enforcement responsibilities. BLM regional and field-level managers did not accept certain law enforcement responsibilities, such as investigating and stopping marijuana cultivation. As a result, FS and BLM officials in Oregon have not cooperated with DEA in its marijuana eradication program even though marijuana cultivation is widespread on BLM and FS lands. DEA officials said that assistance from BLM and FS would be helpful in DEA's eradication efforts.

Although factors such as the lack of resources contribute to FS' and BLM's inability to meet their enforcement responsibilities, the lack of management emphasis is also a contributing factor. Some land managers at the locations we visited have been slow to recognize and deal with enforcement-related problems.

NPS, on the other hand, emphasizes the law enforcement function and is viewed by Interior as a model. Although NPS enforces laws and regulations on its land in California, crimes against people and property continue to occur in national parks. Despite reductions in law enforcement funds, NPS' reputation as an effective law enforcer is very strong because NPS has (1) a definite mission to protect resources and people, (2) its own police force, and (3) experience and expertise proven over time. However, NPS headquarters and regional officials pointed out that they have been confronted with increased numbers of crimes committed by and against the public visitor as opposed to natural resource-related crimes, such as timber thefts or grazing violations.

The Forest Service, like NPS, emphasizes the law enforcement function. Through extensive training and by decentralizing responsibility, FS has spread responsibility for law enforcement throughout the agency. At the same time, however, it has assigned selected tasks to designated, trained personnel. For example, only the agency's formally trained personnel are assigned detailed investigation and other highly technical law enforcement work and carry firearms. In addition, FS has special agents available to provide technical guidance and cooperative agreements to foster active participation by local sheriffs. Yet, according to a February 1981 FS regional law enforcement document, impediments to gaining a greater FS commitment to the law enforcement program include the general lack of (1) understanding of FS' objectives and policies, (2) knowledge of the actual on-the-ground situation, and (3) confidence in the ability of law enforcement to complement management's other programs.

Because of the remoteness of the land and limited agency resources, FS officials in southwestern Oregon and California do not always enforce laws and regulations which prohibit unauthorized occupancies, garbage dumping, paramilitary training, cultural artifact thefts, and grazing trespass. FS regional officials and documents indicate that the magnitude of various trespass occurrences is not known but large increases have become apparent. These activities result in restricted public and employee access, environmental degradation, revenue loss, increased costs to the Government, and endangered public and employee safety.

BLM in California and Oregon is comparable to FS in terms of mission, the geographic and demographic characteristics of the land being managed, and shared responsibilities with State and local law enforcement authorities. Yet, it has a poor law enforcement image. BLM law enforcement activities are handled by a few special agents. It has only four special agents in California and three in Oregon, although it administers the largest share of Federal land in these States. Moreover, BLM appears to be lenient in settling trespass cases. According to BLM State officials, trespassing is a major problem. (See app. IV.)

BLM views enforcement against trespass occurrences as being within its realm of responsibility. However, BLM headquarters and field office management are generally reluctant to accept law enforcement responsibility. This reluctance is evident in BLM's failure to clarify to field officials the extent of their authority to issue citations for violations of laws and regulations. It is also evident from BLM's noncompliance with Interior's law enforcement guidelines. (See app. I.)

MANAGEMENT CONSTRAINTS LIMIT EFFICIENT
AND EFFECTIVE LAW ENFORCEMENT

Certain constraints inhibit the three agencies' ability to enforce laws and regulations prohibiting illegal and unauthorized activities. They have little control over some factors, such as limited monetary resources, the exercise of prosecutorial discretion, and remoteness of the land. However, other factors, such as management decisions about vehicle use, travel, and duty assignments, are equally as important and can encourage or deter these activities.

Vehicle and travel restrictions

Efficient and effective law enforcement efforts, which includes emergency response, have sometimes been hampered by budgetary and administrative constraints affecting vehicle use and travel. Specifically, NPS law enforcement officials in California have had to respond to emergency situations in their personal vehicles, without benefit of lifesaving equipment or communications. Also, travel constraints have forced NPS and BLM to drop some investigations.

Executive Order 12003, dated July 20, 1977, calls for each executive agency to conserve fuel and energy in most operations and to submit plans accordingly. However, section 1(a) specifically exempts automobiles designed to be used in law enforcement work or emergency rescue work. A subsequent Secretary of the Interior order (No. 3007, dated Aug. 19, 1977) sets forth fuel efficiency requirements for the Department's entire motor vehicle fleet. The Chief of NPS' Ranger Activities and Protection Division told us that vehicle and travel restrictions were applied across the board, even to law enforcement activities. Over time some negative implications have occurred.

The General Services Administration (GSA) supplies patrol vehicles at Yosemite National Park. In early 1980 budget constraints forced NPS to take all GSA patrol vehicles out of service at the park. The net effect was to eliminate routine patrolling--a preventive law enforcement measure--and impede emergency responses.

In addition, law enforcement officials from all three agencies told us that some cases (generally those relating to property violations) were just "sitting" because they lacked funds to investigate--that is, funds were not available for travel needed in connection with interviewing witnesses. When we discussed travel constraints with BLM headquarters officials, we were told that budgetary constraints have been applied across the board to all activities. Further, the BLM California office's fiscal year 1982 budget impact analysis indicates that funds for statewide law enforcement will be cut by \$70,000--a 35-percent reduction. According to the budget impact statement, these cuts will terminate all

law enforcement cooperative agreements and significantly reduce unauthorized use compliance and regulatory investigations.

In California, only 40 percent of BLM's reported criminal incidents are investigated due to the lack of personnel and funds. For example, in one case, a special agent from California investigated a firewood theft in Arizona. The suspect had applied for a wood permit to cut one cord of firewood for personal use. Allegedly, he cut about 120 cords, 45 of which he sold for \$3,360; all the wood came from public land. Before completing the investigation, the special agent returned to California, but when he was to go back to Arizona to complete the investigation, neither the California nor Arizona BLM offices could fund his air transportation. Subsequently, the case was dropped.

Duty assignment limitations

Regardless of where it takes place, crime does not confine itself to an 8-hour Federal work schedule. Federal law enforcement officials are hampered in preventing, identifying, and investigating crime by duty assignment limitations.

Because of staffing reductions, NPS has discontinued 24-hour ranger coverage. Yosemite and Lassen Volcanic National Parks have no police patrols between 10 p.m. and 6 a.m., and any law enforcement response to a crime is delayed because a dispatcher has to recruit assistance from off-duty staff.

Although its law enforcement coverage is limited, especially at night, FS does provide other types of coverage. For example, it provides administrative recreation support, such as a campground host (a volunteer non-law-enforcement official), at some recreation sites for assistance on a 24-hour basis. Some FS information centers are open weekends, and FS employees staff campsites, collect fees, and patrol sites 7 days a week.

Perhaps the weakest of the agencies on duty assignment limitations is BLM, whose special agents and administrative staff normally do not work weekends or at night. In emergencies special agents will work off hours. Local sheriffs are available, but normally they react to emergency cases which occur on Federal lands. Moreover, because of budget constraints BLM has decided not to pay overtime to temporary employees, the very people who handle trespass violations.

NO UNIFORM, EFFECTIVE, AND TIMELY REPORTING SYSTEMS

In our June 21, 1977, report, we pointed out that a lack of monitoring by Federal agencies responsible for managing recreation areas has encouraged inconsistencies in visitor protection programs. We recommended that such agencies establish information systems so that (1) essential and reliable information

would be available to top management on the seriousness and extent of recreation area crime and (2) such systems could serve as the basis for a program to supervise and control visitor protection efforts.

Interior's Departmental Manual, Part 446, requires that each Interior agency establish a management information system or reporting system to obtain and record data on crime and related law enforcement activities. Interior's Office of Inspector General, in a September 1981 report on the vulnerability of selected law enforcement program areas, said that NPS had an automated reporting system which generated reports but that the reports were untimely and unreliable ^{1/} and that BLM, which lacked a reporting system, could not provide timely information on the extent, nature, and seriousness of crime problems. We found that as of October 1981, Interior did not have law enforcement reporting systems capable of producing accurate and timely data. Without such reporting systems, it is very difficult for Interior management at any level to (1) determine the magnitude of the crime problem and (2) evaluate or assess the effectiveness and efficiency of law enforcement efforts.

The Forest Service, responding to our 1977 report recommendation, developed a reporting system for collecting information on crimes occurring in national forests. After testing, the system was approved for use by the Chief of the Forest Service in October 1981. We did not review the operation of the system because it was implemented subsequent to our audit work.

According to the Chief of the Department's Enforcement and Security Management Division, the primary reason that Interior agencies have not established workable law enforcement reporting systems is lack of priority. He said that one barrier to more effective law enforcement efforts, including the establishment of reporting systems, is that top Department management is not convinced that recreation area crime and vandalism are serious problems. Thus, they are unwilling to commit the funds and personnel to improve law enforcement efforts.

CONCLUSIONS

Illegal and unauthorized activities on public lands can have a substantial impact on resource management and use. Because of this impact, land management agencies, through promulgating and

^{1/}In March 1981 NPS temporarily halted use of its information reporting system and began reviewing operational problems, especially high costs and error rates. In the interim, each park, using a manual system, sends a limited amount of statistics to headquarters.

enforcing regulations, have the power to control such activities. Although some regulations exist, Federal land management officials do not always consistently use their law enforcement responsibilities and powers.

NPS, BLM, and FS field officials in Oregon and California have not consistently enforced laws relating to illegal and unauthorized activities on Federal lands. More management emphasis is needed on enforcing the present laws and regulations to halt the widespread and increasing incidence of illegal and unauthorized activities on public lands. The efforts needed to improve enforcement must include clarifying the field offices' critical role by defining the obligations and responsibilities of each employee with respect to the agencies' law enforcement activities mandated by the Congress.

Management needs to deal with constraints such as vehicle and travel restrictions. Also, for top management to effectively control illegal and unauthorized activities, management reporting systems must be developed that will produce quality and timely information.

We recognize that resources are required to carry out the Congress' mandates to Interior and Agriculture for enforcing laws relating to illegal and unauthorized activities on public lands. Although we are not in a position to suggest additional funding for these activities, we do believe that Interior and Agriculture must look at their activities and adjust the use of their present resources so that illegal and unauthorized activities on public lands are curbed. The administration has identified combatting crime, especially violent crime, as a significant priority. The Departments could help support this emphasis by enhancing their efforts to combat crime and unauthorized activities on the lands they manage.

RECOMMENDATIONS

We recommend that the Secretaries of the Interior and Agriculture direct the heads of the land management agencies to:

- Give increased emphasis to using the agencies' law enforcement powers and carrying out their responsibilities whenever unauthorized activities affect resource management and use. Where necessary, existing regulations should be revised to deal specifically with the problems of crimes against persons and property, marijuana cultivation, timber theft, and trespass. Also, the roles of land managers in enforcing such regulations should be clarified.

- Increase the level of law enforcement effort devoted to preventing and controlling the illegal and unauthorized activities we identified. This action should instruct the field staffs to (1) meet their obligations and responsibilities for dealing with these activities and (2) foster mutual aid and cooperation with other law enforcement entities.
- To the extent feasible remove manpower, resource, and policy constraints which impede efficient and effective law enforcement efforts by giving emphasis and support to prevention activities, including preventive patrolling, making vehicles available when needed, and assuring adequate coverage of law enforcement personnel through improved duty assignment planning.
- Establish and effectively implement law enforcement information systems that provide management with essential and reliable reporting information on the seriousness and extent of crime on public lands. Such systems are vital to supervising and controlling law enforcement efforts.

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As you know, section 236 of the Legislative Reorganization Act of 1970 requires the head of a Federal agency to submit a written statement on actions taken on our recommendations to the Senate Committee on Governmental Affairs and the House Committee on Government Operations not later than 60 days after the date of the report and to the House and Senate Committees on Appropriations with the agency's first request for appropriations made more than 60 days after the date of the report.

We are sending copies of this report to the above committees; the appropriate legislative committees; the Director, Office of Management and Budget; the Directors, NPS and BLM; the Chief, FS; and the Inspectors General of the Departments of Agriculture and the Interior.

Henry Eschwege

Henry Eschwege
Director

C o n t e n t s

		<u>Page</u>
 APPENDIX		
I	FEDERAL LAND MANAGERS ARE NOT EFFECTIVELY DEALING WITH CRIMES AGAINST PEOPLE AND THEIR PROPERTY	1
	National Park Service--strong law enforcement image	1
	Forest Service--law enforcement is everyone's responsibility	2
	Bureau of Land Management--law enforce- ment receives minimal emphasis	4
	Group disturbances--a growing problem	5
II	MARIJUANA CULTIVATION ON FEDERAL LANDS	6
	The problem is extensive	6
	How has the problem been handled?	7
	Marijuana cultivation threatens public and employee safety and hinders management	8
III	MONETARY LOSS AND ENVIRONMENTAL DAMAGE FROM TIMBER THEFTS	11
	Oregon	11
	California	13
IV	TRESPASS ON FEDERAL LANDS AFFECTS THE ENVIRON- MENT, VISITORS, AND EMPLOYEES	16
	Unauthorized occupancies	16
	Paramilitary and survivalist activities	18
	Herbicide protest activities	19
	Garbage dumping	19
	Cultural artifact thefts	20
	Grazing violations	20

ABBREVIATIONS

AUM	animal unit month
BLM	Bureau of Land Management
DEA	Drug Enforcement Administration
FS	Forest Service
GAO	General Accounting Office
NPS	National Park Service

FEDERAL LAND MANAGERS ARE NOT EFFECTIVELY DEALING
WITH CRIMES AGAINST PEOPLE AND THEIR PROPERTY

The early 1981 Federal Bureau of Investigation Crime Index figures, as quoted by the Forest Service, showed a 10-percent annual increase in major crimes. These crimes include burglary, larceny, and arson. According to those we interviewed, Federal land agencies--Forest Service, Bureau of Land Management, and National Park Service--have not escaped this trend. In addition, these Federal land agencies have been affected by budget cuts and subsequent staff reductions. Consequently, the agencies' law enforcement officials have not been able to properly investigate or deter all violations. Often, violations have not been investigated or have been dropped for lack of funds and staff. With no credible deterrent in place, repeated violations have occurred.

NATIONAL PARK SERVICE--STRONG
LAW ENFORCEMENT IMAGE

In California we visited Yosemite and Lassen Volcanic National Parks. In these parks NPS itself primarily handles all law enforcement efforts. Because it has (1) a definite mission to protect resources and people, (2) its own police force, and (3) experience and expertise proven over time, NPS' image as an effective law enforcer is very strong. However, according to park officials, the decrease in funds and resulting limitations on vehicle use and duty assignments have reduced law enforcement efforts.

Outside assistance from other Federal law enforcement groups is minimal. In California, State law enforcement assistance is virtually nonexistent because Federal workmen's compensation coverage is lower than the State's. In 1970 the California Highway Patrol was stopped from entering Yosemite to assist with riot control because its employees would not be covered by the State while in the park. This situation still exists.

Since 1970 NPS has instituted an extensive riot training program for its rangers. In fact, ranger riot control squads responded from Yosemite to assist the communities of Groveland and Buck Meadow in Tuolumne County in 1976 and 1980 during motorcycle gang incidents.

Yosemite National Park

Yosemite National Park is within easy access of Los Angeles and San Francisco and receives about 2.5 million visitors a year into a fairly condensed recreational area. During peak visitor periods, the park's daily problems become those of a city with a population of 30,000.

Yosemite is under exclusive Federal jurisdiction. Thus, NPS alone handles all unauthorized activity. According to Yosemite records, about 7,090 violations occurred in 1980. According to the park's chief law enforcement official, some 2,000 were criminal cases. The largest category was crime against property--burglary, larceny, and auto burglary. He also said that the law enforcement staff's workload (2,000 cases) and funding enabled it to investigate only about 35 percent of these cases. According to this official, the figure has dropped from 65 percent in 1975. Budget and staff cuts have reduced the investigative staff from seven in 1975 to three in 1981.

Yosemite's law enforcement efforts have been restricted not only by staff cuts but by such constraints as vehicle-use restrictions and duty assignment limitations. Funding constraints affecting police vehicles have reduced patrolling operations and emergency response capability. In early 1980, for example, all patrol vehicles were taken out of service and the rangers had to respond in privately owned vehicles without lifesaving equipment or radios. Also, at the time of our review, the park operated without 24-hour patrol. A dispatcher was used to recruit assistance from 10 p.m. to 6 a.m.

Lassen Volcanic National Park

Lassen Volcanic National Park, completely surrounded by Lassen National Forest, is located in northern California away from any large metropolitan area. It received 394,425 visitors in 1980. It does not have Yosemite's concentrated recreational area or its large concessionaire activities. Law enforcement officials told us that the crime rate is fairly low. The main problems are larceny, vandalism, and burglary.

Like Yosemite, Lassen Volcanic National Park is under exclusive Federal jurisdiction. However, because it has fewer visitors, law enforcement is combined with other duties. For example, the chief ranger is also the chief fire management officer. The chief ranger told us that although Lassen attracts fewer visitors than Yosemite, the same constraints--vehicle-use restrictions and duty assignment limitations--place law enforcers in a position of reacting to incidents rather than trying to prevent them.

FOREST SERVICE--LAW ENFORCEMENT IS EVERYONE'S RESPONSIBILITY

Federal law (16 U.S.C. 559) gives all FS employees the power to enforce laws and regulations relative to national forests. In addition, the FS Manual Title 5300, Law Enforcement, specifies that law enforcement work will be assigned to properly qualified, trained, and equipped employees.

Confronted with managing vast and remote areas under proprietary jurisdiction (see p. 5 of cover letter), FS uses a decentralized management approach which allows each forest to operate as an independent entity. As a result, management acceptance of law enforcement as an integral part of FS operations varied from location to location. For example, in California FS has taken an active role in marijuana eradication, demonstrating management commitment to this effort. In Oregon FS has not participated in marijuana eradication efforts.

Law enforcement activities are performed throughout the agency with certain enforcement actions reserved for qualified and trained personnel. Law enforcement is a collateral duty with most employees. Some forests also have special technical assistance in the form of law enforcement special agents. The major areas of FS law enforcement activities are recreation offenses, fire investigations, timber thefts, and unauthorized occupancies and claims.

According to the regional chief special agent in California, about 90 percent of the offenses on FS land are minor regulation violations such as recreation offenses, which are usually handled by local FS employees with a warning or violation notice. The other 10 percent, including such offenses as arson, rape, and murder, are more serious and must be handled either by other Federal authorities or by State and local authorities.

According to the FS Manual, State and local law enforcement officials have primary responsibility for taking action when crimes are committed against people and their personal property on national forest land. They may receive financial support for expenses incurred in connection with activities on national forest system lands through a cooperative law enforcement program under Public Law 92-82. However, according to FS officials, appropriated funds to operate this program continue to decline each year. In fiscal year 1981 the California allocation was \$850,000, which was 63 percent of program needs.

A February 1981 FS regional law enforcement document identified assistance from other agencies as a valuable resource but one often limited. According to the document, future relief is doubtful. It stated that law enforcement activities in areas under proprietary jurisdiction will increasingly fall to the Forest Service because State and local authorities will not have the funds to provide enforcement activities.

Although close cooperation often exists between FS officials and State/county law enforcement officers, information is not available on the magnitude of crime on public lands or on the total enforcement effort. The new FS reporting system covers only FS activities. It is possible in some cases, however, to demonstrate the kinds of problems occurring. For example, the Amador Ranger District in the El Dorado National Forest reported

168 violations in calendar year 1980. The major categories were fire regulation violations (54), unauthorized damage to or removal of forest products (20), destruction of Government property (14), unauthorized vehicle use (14), and failure to pay fees (11). Also, for fiscal year 1979, the nearby Alpine County sheriff reported 61 burglary cases, 2 stolen property cases, and 15 miscellaneous actions on national forest land.

BUREAU OF LAND MANAGEMENT--LAW ENFORCEMENT
RECEIVES MINIMAL EMPHASIS

Section 303 of the Federal Land Policy and Management Act of 1976 authorizes BLM to enforce laws relating to the public lands or their resources. Since most BLM lands are held under proprietary jurisdiction, however, crimes against persons are generally referred to the cognizant State or local law enforcement authorities for investigation. The act authorizes a uniformed ranger force, which was staffed by 17 rangers at the time of our review, to enforce Federal laws and regulations in the California Desert Conservation Area established by section 601 of the act. We did not, however, review BLM's ranger program because it is strictly confined to southern California.

Currently, BLM has 26 special agents (4 in California and 3 in Oregon) who are responsible for investigating natural resource crimes and for managing contracts and cooperative agreements with local law enforcement officials. BLM relies mainly on these agreements with the local county sheriffs for enforcement. Yet, according to BLM officials, funding for law enforcement cooperative agreements is minimal. BLM's California office, for example, received only \$72,500 for six such agreements in fiscal year 1981.

Law enforcement activities are decentralized within BLM's State offices. Special agents and rangers report to different supervisors. The special agents are not responsible for investigating unauthorized use activities, which are handled by various program officials within State offices. BLM had a backlog as of October 1981 of about 10,000 unauthorized use cases, some of which involved illegal occupancy of prime public recreational lands.

BLM field officials appeared to be confused as to the extent of their authority to issue citations for violating rules and regulations. These officials told us that many violations, such as trespassing or timber thefts, go unenforced because they have not been given authority to issue citations. BLM employees noticing these violations are instructed to either locate the local sheriff or contact one of BLM's special agents. BLM headquarters law enforcement officials with whom we discussed this matter told us in January 1982 that BLM is seeking the Secretary of the Interior's approval for field officials to issue citations.

BLM regional officials acknowledge that trespass work in both California and Oregon is not emphasized and, in general, BLM has a low level of law enforcement. These officials do not view law enforcement as an integral part of BLM's job and believe that, as a result, a large but indeterminable number of violations go unreported.

BLM has a general reluctance to accept law enforcement as a critical part of management's job. This reluctance can be seen, in part, in its noncompliance with Interior instructions. Contrary to Departmental Manual Part 446--Law Enforcement, BLM uses part-time employees as law enforcement officials in California, does not have a law enforcement management information system, and maintains no direct or clear line of authority and accountability from top to bottom of the organizational structure. BLM's lack of emphasis on law enforcement is also visible in the low priority it gives to handling trespass work.

GROUP DISTURBANCES--A GROWING PROBLEM

FS and BLM officials told us that their employees are increasingly being confronted in the normal conduct of business with what could be called group disturbances. These include, but are not limited to, herbicide spray protests, paramilitary and survivalist activities, and motorcycle group activities.

FS officials in Oregon and California are concerned about motorcycle groups which, according to FS officials, are moving into forest areas and trying to take over marijuana cultivation operations. The lack of enough qualified law enforcement officials to adequately confront such groups contributes to the potential threat of group violence.

MARIJUANA CULTIVATION ON FEDERAL LANDS

According to Federal, State, and local officials and published documents, illegal marijuana cultivation is extensive and widespread on BLM and FS lands throughout California and Oregon. While confiscation and eradication efforts have been made on Federal lands, county sheriffs and many Federal law enforcement agents told us that they were unable to effectively control marijuana cultivation. Many marijuana cultivators are armed and present a threat to the public and to FS and BLM employees and interfere with the agencies' management activities.

THE PROBLEM IS EXTENSIVE

Marijuana cultivation is an increasing problem on FS and BLM lands in California and southwestern Oregon. In California the value of marijuana harvested statewide in 1981 was reported to possibly exceed \$1 billion. Information on the amount harvested from Federal lands was not available. In 1979 the wholesale value of marijuana grown in the Shasta-Trinity, Six Rivers, and Mendocino National Forests in California exceeded \$150 million based on reports from sheriffs' departments. In northern California patches as large as 150 acres have been found.

According to a Drug Enforcement Administration official, marijuana plants valued at about \$72.8 million were seized from private and public lands in Jackson, Douglas, Josephine, Coos, and Curry Counties in southwestern Oregon during the summer of 1981. This official estimates that about 30 percent of the seized plants came from BLM and FS lands. Another DEA official anticipated that the total number of plants seized would increase significantly in Oregon through October 1981 as hunting season opened and hunters' reports of marijuana gardens became more frequent. In addition, the DEA official said that many gardens would not be found and thus would not appear in the final statistics.

A DEA official, along with State and local law enforcement officials, verified information showing that in the last 3 years, the illegal harvest of marijuana has become big business in California. There are reports that marijuana is replacing wine grapes as the biggest cash crop in California's Mendocino County. FS reports that marijuana is being illegally cultivated in all 17 national forests in California, in many forest areas of the Pacific Northwest, and in almost all national forests in the Southern States. According to FS documents and officials and a DEA official, the problem is widespread and will probably increase.

Growers are cultivating more plants on public land because of remoteness and the difficulty of proving who owns the plants. For example, an alleged cultivator in southwestern Oregon led

deputy sheriffs to a garden on FS property located adjacent to his land. A well-marked path led from his residence to the garden. If the marijuana had been grown on private property, the landowner would have been the primary suspect. However, the deputies did not arrest the alleged cultivator because the plants were on public land. According to a DEA official, another factor contributing to Oregon's marijuana problem is a California eradication program which has forced some of the cultivators into southwestern Oregon.

According to the Director of Law Enforcement for FS' Pacific Southwest Region, 1/ marijuana farming in hidden forest areas has been on the rise because of the forest regions' suitable climate and marijuana's increasing profitability. Small marijuana plots consist of a few dozen plants, while larger ones can cover several acres and may be irrigated by extensive and costly systems of plastic pipe and pumps. To escape detection, growers choose remote terrain seldom visited by Government employees or others.

HOW HAS THE PROBLEM BEEN HANDLED?

Currently, no single comprehensive program exists to deal with the apparently widespread cultivation of marijuana on BLM and FS lands. According to an FS document, State and county law enforcement agencies have limited resources to deal effectively with the problem and instead have concentrated most of their efforts on large-scale operations on private land outside the national forests. According to county sheriffs and Federal law enforcement officials, the extent of marijuana cultivation is far beyond their current capability to control. For example, in Oregon a county law enforcement official estimated that in 1980 the county confiscated only about 10 percent of the total crop.

FS and BLM deal with marijuana cultivation in various ways. FS policy in Oregon states that employees discovering a marijuana garden should promptly get out of the area and report immediately to the district ranger or county sheriff. Also, the employee should be a cooperative witness in any action initiated by the county sheriff or FS. According to the regional forester, employees are not to initiate or participate in any marijuana arrests or raids. California FS officials have not only reported incidents to State and local law enforcement departments, but have also cooperated with other law enforcement agencies in marijuana arrest and confiscation efforts. BLM officials in Oregon have merely reported incidents of cultivation to county sheriffs or the State police because BLM does not consider enforcing marijuana laws to be its responsibility.

1/FS' Pacific Southwest Region includes California and Hawaii.

State and Federal drug agents have made raids on commercial marijuana plots/farms. Such raids have occurred in 43 of California's 58 counties and have included raids on Federal land. For example, FS and other Federal and local law enforcement officials raided two marijuana plantations in July and August 1981 at Los Padres National Forest. The July raid netted 1,020 plants with a value at maturity of \$5 million. The August raid netted 8,353 simsemilla marijuana plants valued at about \$41.8 million.

One large-scale marijuana eradication effort--called Operation Simsemilla--is a combined DEA (10 agents) and State and local effort directed at eradicating marijuana in 22 California and 5 Oregon counties. DEA is providing financial assistance, technical advice, and aircraft observation service. For example, in fiscal year 1981 DEA provided \$179,000, of which 75 percent went primarily to fund overtime worked by sheriffs, plus minor equipment purchases. The remaining 25 percent went to DEA agent operation costs. The 1981 operations resulted in eradicating about 150,000 plants valued at \$150 million.

According to NPS officials, NPS has taken strong action in its western region ^{1/} against those found cultivating marijuana within park boundaries. A highly visible example of this effort is NPS' participation in a series of Hawaii police eradication actions known as "Operation Green Harvest." Operation Green Harvest includes special teams of NPS rangers, some of whom are specially trained for drug enforcement and have been temporarily transferred from mainland parks to assist in the operation. The teams cooperate with the Hawaii police to deal with the problem of extensive marijuana growing in and near the parks.

In cooperation with local police, Hawaii Volcanoes National Park employees conducted numerous marijuana eradication operations within the Hawaiian Islands. A Green Harvest operation in May 1981 was perhaps the most successful ever--authorities confiscated 101,333 marijuana plants with an estimated street value of \$4,066,560. Moreover, 14 individuals were arrested and three firearms were seized. Within Hawaii Volcanoes National Park itself, 7,286 marijuana plants with an estimated \$272,400 street value were confiscated. Western region records show that the May 1981 operation cost \$31,010 in special law enforcement funds.

MARIJUANA CULTIVATION THREATENS PUBLIC AND EMPLOYEE SAFETY AND HINDERS MANAGEMENT

Marijuana cultivation on public lands not only poses a threat to public and employee safety but can hinder management

^{1/}NPS' Western Region includes Arizona, California, Nevada, Hawaii, Guam, and the Northern Mariana Islands.

activities. These effects are best illustrated by the following statements from FS and BLM memorandums.

"Biker groups * * * are moving into the area. They are trying to take over some of the drug cultivation."

"Because of the value of locally grown marijuana--criminal elements from the Bay Area and Los Angeles area are involved."

"The tremendous value of marijuana has created many problems. Drug dealers, bikers, and such groups are stealing marijuana from growers who in turn use extravagant means to protect their plants. They are armed, construct boobytraps, and constantly guard their gardens."

"Individuals and organizations have been growing marijuana and it has become a very lucrative business. It is being grown and cultivated in many isolated areas * * *. You have to be aware that the area may contain sophisticated boobytraps."

Since many marijuana growers are armed, they pose a danger to legitimate land users, such as miners and recreationists, as well as to FS and BLM employees. Some people have been harmed, while others have been threatened. For example, a memorandum from an FS district office said:

"Forest officers of the district have stumbled onto a number of illegal plantations. Each time they have encountered individuals at these sites the growers had firearms. Although none of our people have been injured during these encounters, the possibility is ever increasing * * *. Just recently, a miner camping in the Steve Fork area had his life threatened by marijuana growers. The miner came upon a marijuana plantation and encountered a man. The subject told him to leave and not come back and that if he didn't do as he was told he was a dead man. One night a short time later, the same man visited the miner's camp. He warned him again that he was being watched and that if word got out about the garden, they would kill him. The miner abandoned both his claims and left the county the next day."

A July 1981 letter addressed to the Josephine County (Oregon) sheriff's department contains an example of how growers can, through intimidation, prevent recreationists from using public lands.

"I am writing you to let you know marijuana is growing near Kerby. I would like you to go in there and

destroy that crop so it would be safe for a man to hunt and fish in safety again. If a man goes to Josephine Creek or Canyon Creek, he is met by toughs who turn him back. You can't go fishing, hunting, or anything around there unless you keep looking over your shoulder for fear that you will be jumped. A lot of people in the valley are scared and they told me that I should not tell you my name for fear that someone would burn their house and mine down. I hope you will prove them wrong and go in that county and clean it up so people can go up there with their families to bottlehunt, fish, hunt, or enjoy the scenery again as I did when I lived in the valley."

While most FS and BLM employees have conducted their duties without incident, in some cases growers have prevented or hindered land management activities. According to FS and BLM officials, workers are sometimes afraid to go into certain areas because marijuana growers may be present. For example, in the northern California area, FS timber production quotas are being met by displacement (harvesting timber in areas not previously scheduled for harvest) because loggers and Federal employees fear a hazardous forest environment. According to FS field officials, this practice could have a long-term effect on quotas if Federal and State agencies cannot deter threats by marijuana growers.

In the Umpqua National Forest, a tree-planting contract crew was fired upon. When sheriff's department officials arrived in the area, they found a marijuana garden. Also, in the Shasta-Trinity National Forest, a logger discovered a large marijuana patch in 1979 and reported it to the local sheriff; subsequently, over \$80,000 worth of damage was done to his logging equipment. Growers in southwestern Oregon have also prevented some legitimate users and some employees from having safe access to the land.

The regional forester for FS' Pacific Northwest Region ^{1/} said that illegal activities such as marijuana cultivation interfere with management activities such as timber sales, surveys, and spray projects. An FS memorandum from the Pacific southwest region said that marijuana growers interfere significantly in the administration of the national forests. Also, a forest supervisor in northern California said:

"It is my opinion that it is only a matter of time before a forest visitor or one of our employees is seriously injured or possibly killed because they stumbled onto an illegal marijuana plantation."

^{1/}FS' Pacific Northwest Region includes Oregon and Washington.

MONETARY LOSS AND ENVIRONMENTAL DAMAGE FROM TIMBER THEFTS

Timber thefts from FS and BLM land are a serious and increasing law enforcement problem resulting in monetary loss and environmental damage. Factors such as the increased market value of timber, low risk in being caught due to the vastness of the land area, and limited staff resources contribute to the increased thefts. FS and BLM headquarters officials were unable to assign a dollar value to timber thefts but estimated that the cost runs into millions annually.

OREGONProblem's magnitude not defined

Although FS and BLM officials did not have overall regional data showing the extent of the problem in Oregon, their comments pointed out that it is significant. For example, a BLM official said that in Clackamas County, timber worth \$9 million was lost in 1 year. Another example was Siskiyou National Forest where the number of investigated timber thefts rose from a total of 2 cases in 1978 and 1979 to 22 cases in 1980.

An FS official told us that people who steal timber usually do not pose a threat to recreationists or employees. FS and BLM officials, however, told us that timber thefts result in

- environmental degradation,
- revenue loss, and
- increased costs to the Federal Government.

Local law enforcement officials told us that most timber thefts occur at night or early morning, resulting in thefts which are difficult to prosecute because of lack of witnesses. Furthermore, FS officials explained that when an FS or BLM employee comes across tree stumps, the employee often doesn't realize that the trees were stolen, and the incidents are therefore not reported.

The following comments from FS, BLM, and FBI officials or documents illustrate the negative effects resulting from timber theft in the Northwest.

"Timber theft is our top problem in terms of monetary loss. Timber theft contributes to environmental damages. The nation's resources are becoming scarcer, which makes law enforcement an even more crucial function. We have less timber now which means we cannot allow people to steal timber from our National Forests."

* * * * *

"When people steal timber, damages can occur to roads, streams, and the area where the theft takes place. Also, revenue is lost to the government when timber is stolen."

* * * * *

"Live cedar trees are the favorite target of the thief since cedar shake bolts are easily removed from the woods and bring approximately \$250-300 per cord at the mill, or about \$1,000-2,000 per tree. The disappearing cedars, which take some three hundred years to grow to maturity, are not being replanted and are thus a non-renewable resource. At the current rate of use, the cedar will become extinct in Oregon Forests in a few years."

The Federal Government incurs incidental costs, as well as loss, when timber is taken from public land. For example, a subject secured a permit from a private company to remove dead and down material from the company's land. The subject cut over the boundary line into FS land, removing trees. The subject admitted cutting the trees but said he was unaware he had gone over the boundaries. FS was able to recover the trees, valued at \$22,372.75. Yet, the Federal Government incurred costs of \$7,386.59 to clean up the trespass area and survey the boundary lines.

What have the agencies done?

In the locations we visited, BLM and FS accept responsibility for enforcing laws to curtail timber theft violations. For example, they investigate and gather information to prosecute violators and seek assistance from other Federal and local authorities. However, they believe these measures are not commensurate with the increasing level of timber theft. They believe they need to increase their level of effort in proportion to violations.

BLM's law enforcement chief in Oregon told us that the agency now is emphasizing the need to prevent timber thefts. He said that at one time BLM did not have the staff to handle timber theft, so no action was taken. Currently, BLM has cooperative agreements with local authorities, which enables it to have better law enforcement coverage for preventing and prosecuting timber thefts.

BLM and FS officials told us that their agencies have had success prosecuting timber thieves. For example, BLM in Oregon and Washington collected about \$344,000 in fines in fiscal year 1980 for 149 timber theft cases. However, according to BLM and FS officials, many small-scale timber thieves have not been prosecuted because U.S. attorneys do not place priorities on prosecuting them.

CALIFORNIAProblem's magnitude not defined

NPS, FS, and BLM management and law enforcement officials in California could not define the magnitude of the timber theft problem there. At some locations FS and BLM officials told us that cutting more firewood than authorized was a problem. At the El Dorado National Forest, for example, officials cited losses of about 1,000 cords annually with a retail value as high as \$100,000. Although BLM's statewide losses are unknown, the Redding district estimated that 100 cords valued at \$8,000 were taken in 1 year.

FS field officials said that firewood thefts have increased directly as the value of firewood and lumber has gone up. The magnitude of illegal firewood thefts has, according to FS officials, become a major criminal problem. The incidents involve individuals taking wood not only for personal use, but also for sale. Additionally, the wood taken includes not only fallen dead wood but also green timber. In one incident, according to the Placerville district ranger, unemployed loggers came into the forest with large chain saws, dropped trees, and then drove away. A few days later they returned with smaller saws which could not have felled the trees and cut them into firewood lengths. When approached by FS personnel, the woodcutters explained that the trees were down on the ground and they were only removing the wood.

At national parks we visited, few timber thefts occurred. In Lassen Volcanic National Park, three separate cases had occurred in 1980-81 involving a total of 10 trees. The chief ranger valued the timber at about \$700. The incidents all took place near Juniper Lake, an area in the park which has few visitors. In addition, two of the incidents occurred in mid-October, late in the visitor season. Park rangers investigating the case believed the perpetrators were from the neighboring town of Chester and had cut the trees for firewood. No arrests had been made.

What have the agencies done?

Even though FS and BLM have tried to control the removal of firewood by permit systems, the unauthorized activity continues. FS officials told us that FS' permit system is intended to control the areas where wood may be gathered; educate people as to what may and may not be taken for firewood; ensure that chain saws, if used, have the proper spark arrestors to decrease fire hazards; and regulate the amount of firewood taken. However, the permit system is not consistently administered throughout the State.

FS highlighted the problem of inconsistency in the following excerpt from a summary report of a 1979 refresher course for law enforcement personnel.

"A lack of [Forest Service] consistency * * * regarding the administration of fuel wood sales, a lack of public awareness and a tendency to avoid law enforcement action in fuel wood theft cases contribute to the loss of firewood including dead and down and live trees * * *."

Examples of the inconsistencies include the amount of wood a permittee may remove and how much FS charges for the wood. The El Dorado National Forest, which issued 11,000 permits in fiscal year 1981, allowed each permit holder to take up to eight cords. Forest officials value the wood at \$2 a cord but do not charge for it. Conversely, San Bernardino National Forest charges \$5 a cord and limits the permits to one or two cords.

Under the El Dorado National Forest's system, before the wood is loaded into a vehicle, the user's permit must show the date, the amount of wood, and the location from which the wood is being taken. Additionally, if an FS employee sees someone loading wood, the employee is to ask to see a permit; if the person has no permit, he or she is to be cited.

According to the Placerville district ranger, El Dorado's firewood permit system is very difficult to enforce due to the

--large size of the forest,

--number of highways crossing the forest which provide easy access, and

--limited number of employees to monitor the firewood program.

BLM has difficulty preventing firewood timber thefts since most of these activities occur on weekends when employees are not normally on duty. BLM field officials told us that they believe some of the violators are from neighboring communities and know that employees are off duty.

BLM has done little to prevent timber and firewood thefts, although BLM officials consider these thefts a major problem. In those incidents where BLM identifies a violator, the case is sometimes processed as a civil trespass matter, but the damages assessed against trespassers do not create a deterrent to discourage repeat violations. In some cases when the agency undertakes investigations, the special agents have been hampered by funding constraints.

BLM in California had increased its emphasis on investigating improper firewood removal as a criminal offense. BLM officials said, however, that if such a violation has a civil trespass filed against it and later criminal intent is found, they will not proceed with criminal prosecution. BLM's California

State Director recently issued to district managers an instruction which cited the following specific examples of criminal firewood violations:

- Cutting wood without a permit or contract.
- Cutting with an altered permit.
- Cutting in a closed area.

If employees find any of these conditions associated with timber removal, they are to have the special agents investigate the incident. For example, a California special agent investigated an incident in which a 50-foot Ponderosa pine had been cut up into firewood lengths and packed into a truck. By laying out and matching each piece of firewood, investigators reconstructed the log. Then, by matching wood ring patterns and checking the cellular structure against the stump, they were able to confirm where the log had come from.

We believe that BLM's civil settlements entered into with timber violators are not a credible deterrent against timber thefts because the settlements do not equal the wood's retail value. This is illustrated by a case in which BLM filed a civil trespass action against a person for illegally cutting trees on withdrawn public lands. The original assessed damage was more than \$10,000, but after negotiations BLM settled for \$4,109 and allowed the person to pay the assessment over a 21-month period with no interest. BLM told us that the trees taken were all prime timber and that the lumber had been custom cut to special sizes. Ironically, the same quantity of prime, custom-cut lumber would have cost the violator more than \$4,109 at retail prices. It is also doubtful that he could have obtained an interest-free loan to pay for it.

TRESPASS ON FEDERAL LANDS AFFECTS THE
ENVIRONMENT, VISITORS, AND EMPLOYEES

Trespass on FS and BLM lands is an increasing problem which the agencies seem to do little to stop. Trespass incidents include unauthorized occupancies, paramilitary training, herbicide protests, garbage dumping, cultural resource removals, and cattle grazing violations. These activities can result in

- loss of Federal revenue,
- environmental degradation, and/or
- decreased public and employee safety.

UNAUTHORIZED OCCUPANCIES

According to agency officials in both California and Oregon, FS and BLM have problems with people who live illegally or conduct illegal activities on public lands under the guise of the mineral exploration authority provided in the Mining Law of 1872. ^{1/} Some people stake mining claims on Federal lands with no intention of mining. They build unauthorized dwellings and live there rent free. Additionally, they do not pay property taxes, although some enjoy county services paid by those taxes, such as public schools and fire protection. An estimated 75 percent of the unauthorized dwellings do not meet local building codes and become potential health and safety hazards. Furthermore, Federal land managers told us that they are hampered in removing squatters because of the ambiguities of the 1872 Mining Law.

BLM's California regional officials consider unauthorized occupancy to be the biggest trespass problem. For example, an estimated 1,000 unauthorized trespasses occurred in the Folsom district in 1978, and the number is increasing by about 100 a year. In the Redding district, agency officials identified 52 cases but believe many more exist.

For Oregon a BLM document stated that during the period 1965-70, a significant annual increase in new mining activities became apparent. It said:

^{1/}The Mining Law of 1872 authorizes any citizen to enter and occupy unappropriated public land to explore for minerals under regulations prescribed by law.

"A new breed of pseudominers appeared which were younger, and counter-culture * * * oriented and well educated to means of aborting administrative process; i.e., validity determinations and trespass abatement procedures. A large share of these newcomers, by their own admissions, occupied public lands under the guise of mining locations. While the problem of mining claim abuse was not a new phenomenon, the rapid annual increase in occupancies and the adroitness of claimants in frustrating administrative procedures was alarming."

A 1980 FS memorandum stated that one southwestern Oregon area had shown a significant increase in problems related to mining claims in the previous 2 years. Similarly, a BLM memorandum stated that mining occupancies are increasing. The following examples and statements from BLM and FS officials and documents illustrate problems with mining claim occupants.

- One FS case involved an occupant who dammed a stream for mining activities without meeting the requirements of an FS regulation which prohibits placing in a stream any substance which may pollute. According to an FS document, the occupant's activity caused serious stream flow and fish migration problems, environmentally degrading the area.
- Two claims, located along a stream, were contiguous. Several cabins, a barn, and other livestock facilities were constructed on the claims. In addition, a garage/workshop was constructed and a number of old cars were moved onto the claims. All the buildings and junk cars were on stream gravel deposits adjacent to the creek where exploration and/or mining could be expected to take place. Thus, the claimant's intention to mine the claims was questionable.
- "Many claims are posted with no trespassing signs which prevent other public land users from entering the lands for legitimate purposes such as hunting or fishing. Most importantly, such occupancy frequently interferes with BLM programs, notably timber sales. For instance, some timber sales which include occupancies either require special felling provisions for trees near the occupancy, or sometimes areas must be deleted from the sale. Occupants also interfere with construction of timber access roads. A BLM crew surveying an access road across an occupied mining claim was forced to leave after the claimant confronted them with a gun. The crew managed to finish the job a few days later, but only after the county sheriff visited the claimant."

--"A mining claimant on BLM land blocked access through a BLM road to a private landowner. The landowner, who wanted to gain access to his land, was confronted by the claimant who stood in the roadway with a shotgun and did not allow the landowner to pass. The claimant, who was on BLM land, told the landowner 'the road is my road, you've got no right to be on our property and anyone who comes up without permission will be shot'."

According to BLM officials, regional management is reluctant to take action against occupancy trespassers. When a mining claim is involved, the eviction process is time consuming and may require years to complete. The first step in eviction, according to a BLM realty specialist, is a validity test (validity refers to the disclosure of minerals in sufficient quantity for a "prudent man" to want to expend further expenditure and means to remove them). This determination requires a mining engineer's expertise; the California region had only three engineers in July 1981. Additionally, a realty specialist must review documents filed with the local county and determine the land classification. Finally, if BLM determines the claim to be invalid and a court-ordered eviction decree is obtained and served, nothing stops the "miner" from changing the corner boundaries of his claim, which requires starting the whole process again.

A primary reason BLM and FS are not able to regulate mining claims is the Mining Law of 1872. Our February 1979 report entitled "Mining Law Reform and Balanced Resource Management" (EMD-78-93) states that the Mining Law of 1872 is not appropriate for controlling today's mining activities. It neither provides legislative guidance to assure stable development of Federal resources nor does it effectively manage public land resources in concert with land-use and environmental values.

Because of BLM inaction, a number of unauthorized occupancies exist in the Redding and Medford districts. In some cases, unauthorized land occupiers inhabit structures that fail to meet applicable building, fire, health, and safety codes. Two house fires illustrate the resulting danger to life and property. In the Medford district, six of eight members of a family residing on a mining claim along Galice Creek were killed in a house fire. In the Redding district, a similar house fire resulted in the death of a baby girl. In both cases charges were made that BLM's inaction contributed to the fires; nonetheless, no legal liability was ever established.

PARAMILITARY AND SURVIVALIST ACTIVITIES

In southwestern Oregon BLM and FS lands have been used for paramilitary and survivalist activities. As a result, FS is becoming increasingly concerned about the public and employees' safety. A 1981 FS Medford District document states:

"The presence of survivalists is becoming more and more apparent. On three occasions in the past 2 months they have been seen conducting maneuvers in the district. They were all in military-type vehicles, wearing camouflage clothing and carrying military-type rifles. There have been reports of automatic rifle fire a number of times in various parts of the district also. Most of these activities are reported near the Oregon and California border."

According to BLM officials, BLM employees have also witnessed or been told of armed survivalists or paramilitary activities on BLM land in southwestern Oregon.

HERBICIDE PROTEST ACTIVITIES

BLM and FS have encountered protestors of their herbicide spray activities. FS officials have charged protestors with violating 18 U.S.C. 111, which prohibits opposing, impeding, intimidating, or interfering with Federal officers engaged in performing official duties.

Officials at one of BLM's district offices said that the office had received bomb threats and forest arson threats when its intention was to spray herbicides for timber management reasons. According to the officials, attempts to spray certain areas have been halted because of protestors' opposition.

An example of herbicide protest activities appears in a Siskiyou National Forest report which states that in 1980, 14 FS employees and 2 county sheriff's deputies were confronted by about 125 herbicide protestors. During the confrontation the work team was verbally attacked. Protestors shouted, cursed, and spat on the team. Hoses on three sprayers were cut, and a rock was thrown into a pump assembly on the Forest Service's tanker. Numerous protestors attempted to slash Government vehicle tires. The work team was prevented from leaving as the protestors placed rocks, logs, and vehicles across the road. Items of garbage were thrown at the work team, and they were not allowed to leave until an FS official signed an agreement not to spray the area for a year. The report stated that no injuries were received, although the situation was extremely tense and explosive and the potential for injury to team members or further vandalism and destruction of Government equipment and vehicles was great.

GARBAGE DUMPING

According to BLM and FS officials, garbage dumping on Federal land is a frequent problem that results in expensive clean-up projects, creates unsightly conditions, and pollutes land and water resources. BLM cited several cases of unofficial garbage dumps on its land. According to BLM officials, in many cases they would need large earthmoving equipment to clear the garbage from

the areas. FS officials at the Rogue River National Forest told us that garbage dumping was a frequent problem resulting in unsightly conditions on FS land.

CULTURAL ARTIFACT THEFTS

BLM has experienced several cultural artifact losses that have not resulted in law enforcement action. An Oregon FS document states that illegal digging at archeological sites appears to be increasing.

For example, BLM's Medford District has 108 prehistoric Indian sites currently on its inventory. A BLM archeologist said that all but the most remote and inaccessible sites have suffered surface losses from souvenir collectors. He also said that at least 28 of the 108 sites have been extensively damaged or wholly destroyed. The sites disturbed were the largest and potentially the most scientifically valuable in the district.

The Congress imposed new responsibilities on Federal land managers in the Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa). In less than a year, Federal law enforcement officials and prosecutors nationwide used this authority seven times; six violators were convicted and fined. As of February 1982, the Manager of NPS' Antiquities Program could not provide the total number of convictions and fines under the act.

An NPS task force is developing regulations that will establish uniform definitions, standards, and procedures for all Federal land managers in providing protection for archeological resources. When these regulations are released in June 1982, NPS anticipates more prosecutions under the act.

GRAZING VIOLATIONS

Grazing violations cause environmental damage to BLM rangelands in California and may deprive the Federal Government of leasing revenues. Grazing trespass seems to affect mostly FS and BLM--the agencies which lease rangeland. Yet NPS is not immune. Lassen Volcanic National Park officials told us of two incidents. In our California fieldwork, we inquired into the following grazing trespass cases that had been reported in BLM's Redding and Susanville Districts.

Redding district--grazing trespass work is not emphasized

According to BLM Redding District officials, grazing was not a major function there and grazing trespass received a low priority. The district had eight grazing trespass cases pending at the time of our visit. The district used some temporary employees to pursue trespass incidents. When the district discovers a grazing violation, it may not initiate civil trespass

action because the fine may not cover the cost involved. Instead, the district tries to persuade the owner to take corrective action, such as removing the animals from the land.

District officials said that the staffing necessary to process a civil trespass action against a grazing violator does not justify the effort. For BLM to levy a civil fine, it must verify the exact number of days and number of animals involved in the trespass. According to district officials, they normally charge twice the rate of an animal unit month (AUM). ¹/ At the time of our visit, this rate was \$2.31; thus, the fine for one animal in trespass for a full month would be only \$4.62. According to district officials, this is why they believe they are justified in not filing a civil action but, instead, telling the owners of trespass animals to correct the violations. The officials said that as leverage against an owner, the district may use the threat of canceling grazing leases. The officials added that even though the district has never canceled a lease, these leases have an economic value and the threat has been effective.

The Susanville district--overgrazing
can lead to punitive action

The Susanville district manages 2.8 million acres, most of which is rangeland. Although district officials do not look for trespass, they had recorded 64 grazing violations since June 1976. Many of these incidents involved repeat violators. According to BLM documents, one particular rancher had become notorious for his blatant disregard for grazing laws and regulations over the past 20 years. District officials told us that they deal with violations by closing portions of the rangeland and impounding unauthorized animals.

Grazing trespass appears to be economically advantageous to the violator since trespass fines usually do not equal the cost of leasing commercial pasture. Susanville district officials told us that commercial pasture leased for about \$10 per AUM. Thus, a rancher could violate BLM grazing regulations and if BLM fined him the maximum allowable, which we were told was triple the AUM, he would pay only \$6.93.

Furthermore, a rancher may be able to negotiate a lesser fine than originally assessed. For example, we noted the case of a rancher who had five different trespass violations filed against him for incidents of unauthorized grazing, overgrazing, and grazing after the season. The total initial fines amounted to \$13,168; however, BLM settled for \$5,000. In another example, a different rancher had been fined \$2,758. He came into the Susanville District office right at the close of normal business hours to

¹/An AUM is essentially the feed a cow or horse would consume in 1 month.

negotiate his fine. After discussing the trespass for a couple of hours on their own time, the officials settled for \$2,500, whereupon the rancher reached into his pocket and produced a prewritten check for that amount.

This same rancher had become known in BLM regions for blatantly violating grazing laws and regulations. He had even threatened to shoot any BLM employee found on his property. BLM had filed numerous trespass actions against him and permanently suspended his grazing privileges in Nevada and Montana. In the Susanville district one area manager had personally followed up on the rancher's trespass activities until he succeeded in having the rancher's grazing leases permanently canceled. The area manager took 5 years to amass enough evidence to suspend the leases. Many of the area's other ranchers were so tired of the subject rancher's repeated trespass violations on private and public lands that they signed a petition supporting BLM's action. However, the rancher filed suit against the Susanville district to get back his grazing privileges. The suit was finally heard before the U.S. Court of Appeals. In September 1981 the court upheld BLM's actions.

According to Susanville district officials, impounding livestock, with the threat of selling the animals, is the best method of correcting grazing trespass. BLM officials said that they can close the rangelands for 18 months after giving ranchers a 5-day notice. Animals found after the 5 days are rounded up and impounded. BLM identifies the owners of the impounded animals by ear tags and brands. After being notified that animals are being held, owners can redeem their stock by paying BLM for all associated impounding costs, including BLM employees' salaries, transportation costs, holding pen expenses, and daily feed bills.

DIRECTOR'S STATEMENT



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

WASHINGTON, D.C. 20240

November 12, 1982

Instruction Memorandum No. 83-93

Expires 9/30/83

To: AFO's

From: Director

Subject: Marijuana Eradication Policy for BLM

Recent media emphasis regarding the cultivation of marijuana on public lands has heightened public awareness of the problem and public expectations toward a solution. In California and Oregon this activity has reached such proportions that BLM's management capability has been adversely affected. One of our greatest concerns is for the safety of public land users and for BLM employees. Other agencies, including USFS, are moving forward toward remedial action and BLM must act in concert with them.

POLICY

The cultivation of marijuana on the public lands is illegal, and an unauthorized use of the public lands which often has adverse impacts on public resources, public access and safety, and the safety of BLM employees. It is the policy of BLM to work cooperatively with other land management and law enforcement agencies to prevent the cultivation of marijuana on the public lands. BLM managers and law enforcement personnel will coordinate with local law enforcement officials to meet this goal. The local law enforcement agencies have the lead responsibility for taking enforcement and legal action.

PROGRAM GUIDANCE

State Directors should ensure that the BLM program for the prevention of marijuana consists of the following elements:

1. State Office Law Enforcement Staffs should maintain a central records system where information on marijuana cultivation on public lands will be reported, compiled, updated, and disseminated by the Law Enforcement Staff to proper law enforcement authorities for action. The system will safeguard the identity of persons reporting such information.

2. Development of an employee awareness program which will help BLM employees conduct their duties in a way which will reduce their personal risk when confronted by a situation related to marijuana cultivation on public lands.
3. Development of a public awareness program which assists the public generally in knowing the status of the Bureau's efforts to eradicate marijuana from the public lands, and help them to reduce their personal risk when confronted by a situation related to marijuana cultivation on public lands.
4. Local law enforcement officials are responsible for taking legal action. BLM will provide financial and personnel assistance to enforcement agencies, where appropriate, to help eradicate marijuana on BLM administered land.

The Washington Office Resource Protection Staff and Office of Public Affairs will assist State Offices and provide a national coordination point.

On September 30, 1982, I appeared before the Subcommittee on Forests, Water Resources and the Environment, Committee on Agriculture, United States Senate. A copy of the statement made to the subcommittee is enclosed for your information.

Robert F. Burford

1 Enclosure:

Encl. 1 - Statement of Robert F. Burford (5 pp.)

STATEMENT OF ROBERT F. BURFORD, DIRECTOR OF THE BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON FORESTS, WATER RESOURCES AND THE ENVIRONMENT, COMMITTEE ON AGRICULTURE, UNITED STATES SENATE, ON THE CULTIVATION OF MARIJUANA ON PUBLIC LANDS.

I appreciate the opportunity to appear here today to discuss a very serious problem which has been increasing rapidly in recent years -- the cultivation of marijuana on the public lands.

Much of the public lands are unpopulated and often remote. These factors and the climate and soil conditions in the western states have made the public lands administered by the Bureau of Land Management in those states particularly attractive to marijuana growers.

It is difficult to assess the total acreage of Federal lands involved in marijuana cultivation, primarily because of the clandestine nature of such operations. When marijuana growers first began operating in California and Oregon, their plantations were rather large, usually containing 2,000 or more plants. However, because of aerial surveillance techniques adopted by law enforcement agencies, growers have attempted to avoid detection by reducing their plantings, sometimes to groups of 300-700 plants, sometimes to 40-50 plants grown along streams with scattered patches containing 10-15 plants. While acreage figures are not available, one can estimate the extent to which public lands are involved by comparing the total value of a State's crop with the value of marijuana confiscated from public land. For example, the annual Oregon marijuana crop has been estimated to be worth over \$400 million. The Oregon State Police

has estimated that 40-60 percent of the marijuana produced in southwest Oregon is grown on BLM land. And from April to September 3, 1982, the Oregon State and local police seized 5,767 plants on BLM lands in Western Oregon. Those plants had an estimated street value of \$8.6 million.

The problem is significantly worse in California where the estimated value of the annual marijuana crop exceeds \$1.2 billion. In 1981 the California Department of Justice seized 151,000 plants, totaling 98 tons of marijuana from 100 plantations. Those seizures comprised approximately 50 percent of the known crops. In 1982, to date, 89 plantations have been discovered in Humboldt County and 155 in Mendocino County. Eighteen plantations were found in the King Range which is a Congressionally designated National Conservation Area managed by BLM. In a raid on just one of these plantations, over \$600,000 worth of marijuana was seized within one mile of one of the most beautiful, pristine beaches in the country. Other States containing BLM lands which have a relatively large marijuana industry are Washington, Arizona, Idaho and Colorado. The problem is less significant but exists nonetheless in BLM-managed areas in all the western States.

The techniques used in the illicit production of marijuana on public lands endanger both the environment and the natural resources on the lands.

The environmental hazards occur as a result of the growers' use of arsenic to control rodent damage to their crops. The effects of arsenic residue extend to a much wider area due to raptors and other animals in the food chain. In addition, there is a potential that the arsenic could leach into the groundwater and affect domestic water supplies.

Other environmental hazards result from the high concentrations of nitrogen that the growers use as fertilizer. The over-balance of nitrogen and the

resulting overoxygenated water in streams has had an adverse effect on marine life downstream from areas where high nitrogen content fertilizers are used. Other practices of the growers, such as the cutting of timber and shrubs and the use of fire to open areas for cultivation, have been both the direct and indirect cause of fires on public lands.

While environmental and resource damage is important, the most significant and devastating threat is to the private individuals and groups that look on the public lands as being open and generally safe for hunting, fishing, family recreation and camping purposes; to BLM and Forest Service personnel responsible for on-the-ground land management; and to other users such as ranchers and miners. In an effort to protect the valuable crops from being discovered by either law enforcement authorities or passers-by, marijuana growers have resorted to intimidation, threats and violence. BLM employees have not only been threatened with rifles but have actually been shot at. In addition, booby traps constructed of pipe bombs, hand grenades, mines, shotguns, and punji stakes have been discovered, as have other traps such as fish hooks suspended at eye-level. Tires on cars of BLM employees and Sheriffs' deputies have been punctured, threats have been made to shoot down helicopters, and threats have been made to BLM employees and their families.

These violent activities have to some degree accomplished what marijuana growers are seeking—to be left alone. Potential informants are afraid to speak and BLM employees are reluctant to venture into remote areas to conduct Government business. And the legitimate public land users - who after all own these lands - view them as unsafe and also stay away.

However, State, Federal, county and city law enforcement agencies have begun to pool their efforts to combat the problem. The Drug Enforcement Agency (DEA) is the Federal agency primarily responsible for dealing with controlled substances. DEA's efforts are generally directed to "hard" drugs, such as heroin, but it has made some contributions to the local efforts to curb the spread of the marijuana industry. In California, BLM has had exceptional assistance from the State Bureau of Narcotic Enforcement. At the local level, BLM, like the Forest Service, has traditionally been seen as resource managers, and we want to keep it that way. Our approach is to work with the local law officers at this level, to make raids and take other legal actions.

Unfortunately, control of marijuana is expensive. Once a growing area has been detected and search warrants obtained, a team of law enforcement officers is needed to secure the area, seize evidence and contraband, make arrests, and transport marijuana to a place where it can be safely destroyed. Ten to 15 officers, and frequently more, may be required to raid a large plantation. Some jurisdictions use "SWAT" teams to secure an area before attempting a raid. Many Sheriff's offices do not have sufficient human resources to raid plantations and provide essential services to counties. Because marijuana plantations are widely dispersed and are often in remote areas, aerial surveillance is required to discover plantations. Because of the expense involved in such activities, we are planning to ask other Federal and State agencies, such as the National Guard, to lend their assistance.

The initial law enforcement efforts have been encouraging, but more needs to be done. BLM's California State Office is developing a coordinated

program that includes detection, employee awareness, public awareness and a law enforcement strategy. It will serve as a guide for Bureau actions that are appropriate for BLM employees and special agents in California and elsewhere.

We are developing public information material that will let the general public know how to conduct its activities in a safe manner, if they encounter a marijuana plantation, and will explain BLM's policies regarding the unauthorized use of public lands. This program will put the spotlight on this illegal activity and the tactics used by growers and will let the public know we are aware of such activities and are trying to combat them.

The programs initiated by BLM offices in California and Oregon are just in their formative stages. More planning, coordination, and effort are necessary before any appreciable results are realized. While the present hazards associated with marijuana plantations on public lands are significant, they are not insurmountable. We believe that a moderately sized detection and enforcement effort, together with an effective public information program, will go a long way towards minimizing the present problem and curtailing the growth of marijuana on the public lands in the future. However, it is not a one year effort. These people will come back to the public lands again and again each year unless we are prepared each year to stop them. Be assured that we will cooperate to the fullest with other Federal agencies as well as with State and local authorities in efforts to combat this problem.

That concludes my statement. I will be pleased to respond to any questions on this subject.

CALIFORNIA'S PROGRAM



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
STATE OFFICE
Federal-Office Building
2800 Cottage Way
Sacramento, California 95825

ASD
IN REPLY REFER TO

9260
C-910

Memorandum

NOV 08 1982

To: Director (100)
From: State Director, California
Subject: A Program for the Eradication of Marijuana on the
Public Lands in California

You are well aware of the increasing problems facing BLM because of the illegal cultivation of marijuana on public lands. Your recent testimony before the Senate Subcommittee on Forests, Water, Resources and the Environment provided a vivid description of the problems we face.

In California, the problem has become critical. We are working closely with Federal, State and local law enforcement agencies, as well as other resource management agencies, to come to grips with the problem and find reasonable solutions to those problems.

Two points are quite clear: (1) We cannot and must not "do nothing" because the risk to the lives of the public land user and BLM employees is now too great; (2) If we do undertake a Marijuana Eradication Program on Federal lands, we must do it right, because of the ever-increasing risks that must be faced.

The President, in his "War-On-Drugs" message of October 2, 1982, underlined the importance of the issue. Within the concept of reduced government spending, generally, he has obviously singled out marijuana and other drug abatement campaigns as having a top priority with the administration, and he is willing to commit resources to it accordingly.

In your testimony to the Senate Subcommittee, you stated that California would develop an action program on marijuana eradication which could serve as the model for all other BLM states. Our people have been working to put that model program together since you testified. In brief, the program consists of four key components: Detection, user safety and public awareness, employee safety, and law enforcement. These components are fully explained in the attached program package.

We are coordinating our program with other Federal agencies, especially the U.S. Forest Service. We plan to carry out many activities jointly with them and propose to produce some informational materials, including pamphlets and films, with their support and assistance. Coordination and agreement on policy at the national level between the DOI and USDA would be especially welcome and would assist both the BLM and the Forest Service in implementing effective eradication programs in California.

Additionally, BLM must keep it's resource management image in the forefront while carrying out the necessary law enforcement responsibilities required under the proposed program, and in cooperation with other Federal, State, and local agencies. We see our role as one of support to local law enforcement, and not as the lead agency in the law enforcement role in the state.

Because of public concern about what BLM and other agencies plan to do to solve the problem, as well as the increased interest being shown by elected officials throughout the State, we plan to give a large number of in-depth program briefings to Congressmen, local and State elected officials and county boards during January and February of 1983.

It is unfortunate that the program materials were not available prior to the FY 83 AWP allocations and the recent discussions with the Department and OMB on the FY 84 targets. As you know, and as we have reinforced in the attached material, this must be a year-round effort to be successful. We need to begin now gathering detection data, working on public and employee safety aspects, developing firm commitments with local law enforcement agencies, and all the other processes required to make this a successful program. We hope that with the attached information, and with the knowledge of the importance placed on drug programs by both the Department and the President, we can move forward rapidly.

Our recommendation is to:

Advance this material through the Secretary's Office as soon as possible...(Dr. Carlton Turner, Director of the White House Drug Abuse Policy Office, has already spoken to the Secretary about BLM's efforts).

We suggest that the Director personally talk with the Assistant Secretary and the Secretary concerning the marijuana eradication effort. Such a meeting with the Secretary should result in a Departmental directive to the Bureau to move ahead with the program in California, and provide a schedule for funding requests with White House support.

Concurrently, we also recommend that a Bureauwide policy be issued along the lines of California's policy, and that other BLM states with major marijuana problems be asked to submit their eradication program requests using the format developed by California. After this information is compiled, it then can be submitted as a follow-up to California's package.

Enclosure:
Program Package

Ed Hasley

Marijuana Eradication on BLM-Managed Lands in California:
A Bureauwide Prototype

I. BACKGROUND

The illegal cultivation and harvesting of marijuana crops in California continues to be an increasingly serious problem for law enforcement agencies. Recent movement by pot farmers to cultivate their crops on public lands under the control of the Bureau of Land Management (BLM) has brought the problem forcefully to the attention of BLM and those responsible for the safety of the public who visit these lands.

The influx of marijuana farmers into remote public land areas has increased tenfold in the last five years overtaking the ability of local law enforcement agencies to effectively combat the illegal activities of the entrepreneurs of illegal pot. The use of the public lands for cultivation of marijuana is estimated to provide between 40 and 50 percent of the total California-grown marijuana crop. The California Department of Justice said that in 1981 the total commercially grown marijuana crop in California was thought to have a value of \$1.2 billion, and that estimate is believed to be very conservative. It is known that marijuana is grown in nearly every one of the State's 58 counties.

Recently, President Reagan outlined an expanded war on drugs plan and indicated he would utilize the total capability of the Federal government in waging that war.

The California BLM is responsible for approximately 16.5 million acres of public lands within the borders of the State. BLM's responsibility as a major landowner and manager is being thwarted as marijuana farmers "take over" more and more public land and prevent citizens from using and enjoying thousands of acres of land that rightfully belongs to them. Fishermen, hunters, rock hounders, hikers and even loggers and miners have been threatened with bodily harm or harassed and intimidated by pot farmers who have invaded the public lands.

II. MAGNITUDE OF THE PROBLEM

The detrimental impact of marijuana cultivation on the public lands falls into three specific categories:

1. The public lands are becoming unsafe for users and BLM employees;
2. Public resources and the environment are being severely damaged;
3. BLM's management ability is being sharply reduced.

1. Impact on Users and Employees

The Bureau of Land Management field personnel and U.S. Forest Service (FS) personnel have reported numerous incidents involving users and visitors who, while using the public lands for ranching, logging, mining and recreational purposes, have been intimidated, harassed and assaulted by growers seeking to prevent legitimate visitors from discovering their illegal plantations hidden among the trees. For example, thousands of people each year hike the pristine beach of the Congressionally designated King Range National Conservation Area, yet BLM found 18 pot plantations within one mile of that beach. Hikers, who occasionally wander inland, could rapidly become involved in dangerous circumstances.

BLM (and FS) employees who have been involved in timber projects, wilderness surveys, trail construction and maintenance, fire prevention, cadastral surveys, and wildlife protection studies, have stumbled onto marijuana plantations and been confronted by persons who suggest that violence upon their person will result if they report the location of the marijuana field to local law enforcement people or to BLM superiors. Threats and assaults have occurred against BLM personnel.

In addition, marijuana farmers have expanded upon the violent devices used during the recent Vietnam War especially booby traps or anti-personnel weapons. Trip wires have been found attached to weapons which fire shotgun shells at knee level; fish hooks hanging at eye level from trees; punji sticks hidden where they will penetrate and injure hikers wandering into marijuana growing areas; and steel traps set to injure visitors who step on them are typical of the pot farmer's arsenal.

Defenders of marijuana farmers sometimes contend these individuals "are really law abiding citizens who, through economic pressures, have turned to pot growing as a sideline." They like to claim that marijuana growing, sale and use are "victimless crimes."

However, it no longer is "victimless" when the public and/or BLM employees are threatened, coerced, intimidated or deprived of the use of public lands.

2. Damage to the Resources and the Environment

Arsenic-base poisons are used around marijuana plantations to eradicate small animals, including rodents, which seem to enjoy eating marijuana plants. The arsenic residue kills most small animals near the plantation, and the deadly effect extends along the food chain as other animals and birds such as raptors consume the rodents and die as well. In addition, the leaching of the poisons into water supplies throughout the area spreads the deadly results and the poison may ultimately find its way into domestic water supplies downstream.

Groundwater supplies are endangered because marijuana farmers use a potent high nitrogen fertilizer concentrate to produce fast-growing and bushy plants. Additionally, marijuana plantations need space and sunshine for the best production of high quality marijuana. In most cases, the pot grower does not hesitate to clear cut large areas of timber and brush to provide space for his plantation.

The U.S. Forest Service, in the past two years, has placed full blame for six major fires on national forest lands on the cultivators of marijuana. Bureau of Land Management personnel report that numerous fires on BLM lands are suspected to be the work of marijuana growers, but positive identification of the perpetrators has not been completed.

3. Impact on BLM Land Management

The Western States Information Network (WSIN) has advised that in 1982, to date, approximately 50 percent of all marijuana plantation seizures have occurred on Federal lands. No distinction has been made between BLM, Forest Service, National Park Service or other Federal property. However, in the report on seizures in two major marijuana growing counties, Humboldt and Mendocino Counties, the percentage of seizures on BLM lands was placed at about 70 percent. A large amount of remote BLM-managed lands are located in these two counties. WSIN also reports that only about 50 percent of the known public land pot gardens are seized because of manpower constraints. It should be noted that WSIN also suggests that the seizures in California thus far in 1982 represent less than 10 percent of the total State marijuana production. In 1981 there were 151,449 marijuana plants seized in California producing about 191,069 pounds. If that seizure represents only 10 percent of the total grown, and 50 percent of all marijuana is grown on the public lands, then the full extent of the problem on BLM lands in California becomes more obvious.

III. ACTIONS TAKEN TO DATE

1. Policy Statement Issued

On September 24, 1982, BLM issued a policy statement relating to the illegal cultivation of marijuana on the public lands in California (Attachment A). This statement says that the cultivation of marijuana is an unauthorized use of the public lands, and it has highly undesirable impacts on the resources, the legitimate users and the safety of BLM employees. Also, it identified the four parts to BLM's program:

- * detection;
- * user safety and public awareness;
- * employee safety, and
- * law enforcement.

It is BLM's policy that local law enforcement agencies should be the lead on raids against marijuana growers on public lands.

2. Training to Date

- * Two of BLM's special agents attended the State Bureau of Narcotics Enforcement School for Marijuana Eradication and Detection through overflights.
- * A special safety training session was given to 22 members of the California BLM cadastral survey crews.
- * A training session for all employees was developed and presented to employees at the Ukiah and Bakersfield District Offices.

3. Marijuana Raids to Date (1982)

- * Five agencies, plus a BLM special agent conducted a Nevada County raid where 1,200 plants were seized weighing 360 pounds with a street value of \$600,000. Two arrests were made.
- * Five agencies with two BLM special agents conducted a raid in the King Range Conservation Area of Humboldt County where 475 plants were seized containing 4,300 pounds with a street value of \$1,425,000. No suspects were arrested.
- * Two agencies with one BLM ranger conducted an Inyo County raid where 23 plants were seized with an estimated value of \$46,000 resulted in the arrest of two suspects.
- * Raid in Mendocino County in which BLM special agents were advised of the law enforcement activity. Some 1,610 plants containing 1,200 pounds of pot with a street value of approximately \$750,000 was seized. Two suspects were arrested.
- * Raid on public land in Nevada County without BLM participation with 36 plants seized with 80 pounds of marijuana valued at \$60,000. Two suspects arrested.
- * Raid in Madera County without BLM participation, but on public lands, with 53 plants containing 90 pounds of marijuana and a street value of about \$50,000 seized. One suspect arrested.

Local law enforcement does not normally report marijuana raids to BLM personnel because local governments are unable to discern which Federal entity manages which lands in California. They may know that the pot farm is on Federal land, but they do not know whether it is Forest Service, BLM or National Parks land. Since they do not know which agency to report the raid (or marijuana plantation) to, they report it to no one. In identifying the "landowner," most of the 58 county assessors have Federal lands listed under "USA" and not by managing agency.

IV. PROGRAM COMPONENTS

Consistent with our policy as a support agency to local law enforcement agencies and in close coordination with other resource management agencies, particularly the Forest Service, we have developed and plan to implement the following program components with those agencies.

1. Detection

An unfortunate fact is that BLM does not have an accurate inventory of illegal marijuana plantations on the public lands in California. It is known that the problem is immense. In only five hours of flying BLM found 18 plantations on the King Range National Conservation Area. Other resource agencies and law enforcement people have data, but it must be pulled together for BLM-administered lands on maps and aerial photos in a secure place. These map files must be kept current. BLM does not presently have the capability to undertake this task. The detection component of the program should consist of:

- * Remote sensing - utilization of high altitude and satellite imagery.
- * Aircraft overflights - contract aircraft with BLM spotters.
- * Aerial photographs - contract for photographs with BLM interpreters for ownership status and cross-checking BLM photos.
- * Ground Proofing - BLM law enforcement personnel checking on the ground for aerial photo and overflight accuracy on a spot basis.
- * Agency Coordination - obtaining site data from other resource and law enforcement agencies.
- * Establishing Central File - BLM law enforcement file in the State Office, secured space, cartographic and secretarial time.
- * Data Transfer - supplying data to other resource agencies, law enforcement people, BLM offices and legitimate public land users.

2. User Safety and Public Awareness

The need for an ongoing and immediate public affairs program designed at least to inform the public of the dangers from marijuana cultivation on the public lands would appear to be vital. An even more extensive program would, while warning of the hazards from pot growing on public lands, also seek to encourage visitor cooperation and assistance in locating and reporting marijuana plants and fields and clearing the public lands of the dangerous devices used by pot farmers. The development of all public affairs material will be coordinated with all other agencies especially the Forest Service.

The public affairs plan contains five elements:

- * A double-fold pamphlet, in color. This pamphlet would briefly state the law concerning growing marijuana, and the illegal use of the public lands. It would warn of the present day hazards to potential visitors to pot growing areas, and would, in a color photo, assist in the identification of marijuana plants and leaves. It would urge those who find illegal pot plants growing on the public lands to report the location anonymously to the local BLM office and how that could be accomplished.

Initial distribution in California would be to all BLM-California employees, as an insert in the BLM-California publication NEWSBEAT, and to the visitor public through State, District and Resource Area Offices. An initial printing of 50,000 copies is recommended, with consideration being given to extending the audience to two important additional audiences, California's anglers and hunters who constantly use the public lands for recreational purposes and perhaps face the greatest dangers in the wilds. The State of California issues 3 million hunting and fishing licenses.

- * At least one public service announcement for television use and aimed at accomplishing the same purpose as the previously mentioned pamphlet, i.e., to identify the plant, caution public land users about the dangers unless the pot invasion onto public lands is ended, while urging their cooperation with Federal, State and local law enforcement, as well as BLM personnel in the fight against pot growers.
- * Radio spot announcements are another excellent method of getting the message to the public. These would urge caution in entering remote lands and would provide a toll-free telephone number where pot fields could be reported anonymously. Copies would go to about 300 radio stations.
- * News releases would be prepared and issued periodically throughout the educational program to provide the public with information concerning the need and intent of the program toward total eradication of marijuana growing on public lands. There have been suggestions that marijuana raids be treated like forest fires, whereby public affairs personnel accompany officers on each major raid to provide the media with fast breaking and factual information concerning the raid, and its intent.
- * A slide show, which would cover all aspects of marijuana identification, cultivation, adverse impacts, dangers to the public and BLM employees, and the eradication methods being used, as well as methods for reporting marijuana plantations to authorities. The slide show would be used for BLM employee education, as well as for use by various user groups including

fishermen, loggers, and energy and mineral prospectors. An important use of the slide program will be with congressmen and other elected officials in January and February of 1983.

3. Employee Safety

Other than rangers and special agents, BLM employees are not trained to deal with the lawlessness and violence that often accompanies illegal marijuana cultivation. Good training is available through such agencies as the California Bureau of Narcotics Enforcement. Also good training materials are available which can be easily adapted for BLM use. Given the increasing number of confrontations between employees and growers it is imperative that BLM instruct its employees in the safe conduct of their duties in potentially dangerous areas and situations.

- * General Safety Training - BLM law enforcement people and trainers conduct training on what to look for, what to avoid and how to act if confronted, as well as general information about the cultivation and impact of marijuana.
- * Site or Specific Project Training - BLM law enforcement and training personnel provide safety training to crews (such as cadastral survey or mineral inventory crews) going into especially hazardous areas or during hazardous seasons on special projects. Training would be geared to specific situations and problems.

4. Law Enforcement

- * Prevention - actual growing occurs from mid-April to mid-October. However, a major part of the program of law enforcement is to prevent growers from using specific sites. The prevention program consists of:
 - signing--erecting appropriately worded warning signs in potential growing areas and on specific growing sites from the previous year.
 - patrolling--the presence of uniformed personnel in potential and previous growing areas is a major deterrent. This can be done by local law enforcement deputies or uniformed BLM law enforcement personnel, whichever is the most effective, taking into account the costs.
- * Eradication - when plantations are found on public lands, BLM must have the capability to eradicate them. In addition to removing an unauthorized use, eradication goes a long way to discourage future illegal growing attempts and is therefore in itself a preventative measure. It is currently BLM's policy to use local law enforcement officers as the lead in all eradication efforts. Typically, the eradication program has the following components:

- Local Law Enforcement Personnel--BLM contributes to the personnel costs on specific raids. This includes additional sheriff's deputies, overtime, etc.
- Equipment Support--BLM contributes to the cost of helicopters, fuel trucks, trucks for hauling, chain saws and small tools.
- BLM Law Enforcement Personnel--BLM contributes special agents to accompany local law enforcement officials to make sure the area is secure.
- Other BLM personnel--a major problem is the cost of cutting, hauling and destroying the marijuana plants. The cost of having law enforcement people do this is very high. It is proposed that BLM fire fighting crews under proper supervision do this manual labor, but only if the area can be totally secured to the satisfaction of a BLM special agent. Fire crews are trained in using chain saws, working in tough terrain and working with aircraft. They are also trained in prescribed burning techniques and often are available for work assignments when not on fires. We will also be working to coordinate this effort with the California Department of Forestry.

V. PROGRAM COSTS

1. Relationship to Administrative Policy

The President has stressed a general reduction in government spending, yet has also emphasized increased funding for several individual programs that are high priority. The President's war on drugs is a high priority program. Media articles following his October 2, 1982, message on this subject emphasized that additional personnel and funds to accomplish the Administration's goals would be available. The FBI, DEA, DOJ and "other Federal agencies" were mentioned.

2. Cost Effectiveness

The war on drugs must be waged at all levels. However, the direct and indirect costs of attacking the marijuana problem once it is processed, transported and distributed is very high. Conversely the payoff in terms of prosecution and conviction for marijuana is low compared to "hard drugs." These reasons explain why a good bit of the effort in foreign countries has gone toward eradicating marijuana at the growing site and to a lesser degree prevention techniques. With the dramatic increase in domestic marijuana grown on public lands, it is most cost effective to aim eradication efforts at the public land source.

3. Current BLM Budget

The program needs are fairly obvious: a tenfold increase of illegal marijuana cultivation in the last five years; a conservative estimate of \$1.2 billion worth of illegal marijuana grown in California in 1981; 40 to 50 percent of all marijuana grown in California on public lands (almost all of this on BLM and USFS); a deadly serious impact on the safety of public land users and BLM employees; significant impact on the use and development of other public land resources; and a direct adverse impact on the resources and the environment.

BLM's current law enforcement capability consists of:

- * Four Special Agents who have been fully occupied investigating Federal crimes other than marijuana on the 16 million acres of public land.
- * Seventeen Desert Rangers who are administratively restricted to the California Desert District which has the least marijuana problem and who are fully occupied with problems related to managing the California Desert National Conservation Area. (More flexible authority to utilize Desert Rangers outside the Desert on special projects needs more discussion.)
- * Cooperative agreements with local law enforcement agencies basically for patrolling high public use areas to prevent vandalism and other crimes to BLM campgrounds and other facilities.
- * The total FY 82 budget was \$125,000, the FY 83 six-month budget is \$150,000, and the outlook for FY 84 is for an overall decrease bureauwide in law enforcement.

While this capability may seem adequate to some for protection of 16.5 million acres, our counterpart, the U.S. Forest Service, protects 20 million acres, has 5 special agents at the regional level, 22 agents at the forest level, and 300 law enforcement rangers (level 4 and 3) at the forest and district levels. A total budget of approximately \$1.2 million is available at the regional level of which \$300,000 was added in FY 83 for cooperative agreements with local law enforcement agencies just for marijuana eradication.

The comparison shows the need for some increase in capability for BLM to adequately handle the marijuana problem.

VI. PROGRAM NEEDS

As explained in the program components, a successful marijuana eradication program goes beyond "raids" during the growing season. Funneling money to local law enforcement people is not the complete answer. A successful program will take more resources and it will take several years, and it should start now!

Also, a successful and efficient program requires cooperation and coordination with local and State law enforcement and other resource management agencies. In California that coordination has been continuous and has been taken into account in the definition of program needs where the various agencies can share costs. Based on our needs as we see them, a three-year program has been developed as realistically as we can at this point. Once into the program we will monitor it closely. (See Attachment B.)

Attachment B, 1978

Instruction, Department of, 12-22-78

San Jose, 11/22/78

To: AGP's

From: State Director

Subject: Marijuana Enforcement Policy and Plan, 1978-1981

Background

The current situation of marijuana in California is an important one for the public health. In California this situation has been of great concern for many years. The State's management of this problem has been a continuous one, with many changes in policy and public expectations over the years. One of the major concerns is for the safety of the public, both in the use of the drug and in the enforcement of the law. The State's policy is to enforce the law as strictly as possible, while at the same time providing for the safety of the public. The State's policy is to enforce the law as strictly as possible, while at the same time providing for the safety of the public.

Policy

The illegal cultivation of marijuana is an important part of the public health problem. The State's policy is to enforce the law as strictly as possible, while at the same time providing for the safety of the public. The State's policy is to enforce the law as strictly as possible, while at the same time providing for the safety of the public. The State's policy is to enforce the law as strictly as possible, while at the same time providing for the safety of the public.

Program

A central law enforcement agency is needed to coordinate the State's policy. The State's policy is to enforce the law as strictly as possible, while at the same time providing for the safety of the public. The State's policy is to enforce the law as strictly as possible, while at the same time providing for the safety of the public.



IN REPLY
REFER TO:

9260
C-940.1

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

STATE OFFICE

Federal-Office Building
2800 Cottage Way
Sacramento, California 95825

September 24, 1982

Instruction Memorandum No. CA-82-366

Expires: 9/30/83

To: ACO's

From: State Director

Subject: Marijuana Eradication Policy for BLM - California

Background:

The illegal cultivation of marijuana is an unauthorized use of the public lands. In California this activity has reached such proportions that BLM's management capability has been adversely affected. Recent media emphasis on this issue has heightened public awareness of the problem and public expectations toward a solution. One of the greatest concerns is for the safety of public land users and for BLM employees. Other agencies, including USFS, are moving forward toward remedial action and BLM must act in concert with them. As a first step, a draft policy (similar to the USFS) was circulated for review. The following is the final policy for BLM in California.

Policy:

The illegal cultivation of marijuana is an unauthorized use of the public lands which often has adverse impacts on public resources, public access and the safety of BLM employees. Therefore, it is the goal of BLM in California to work cooperatively with other land management and law enforcement agencies to prevent the cultivation of marijuana on the public lands. BLM managers and law enforcement personnel will coordinate among themselves and with local law enforcement officials to meet this goal. The local law enforcement agencies have the lead responsibility for taking enforcement and legal action. The BLM program for the prevention of marijuana cultivation consists of:

Program

1. A central BLM law enforcement records system where information on marijuana cultivation on public lands will be reported, compiled, updated, and disseminated by the Law Enforcement Staff to proper law enforcement authorities for action. This system will safeguard the identity of persons reporting such information.

2. An employee awareness program which will help BLM employees conduct their duties in a way which will reduce their personal danger when confronted by a situation related to marijuana cultivation on public lands.
3. A public awareness program which assists the public generally in knowing the status of the Bureau's efforts to eradicate marijuana from the public lands.
4. Local law enforcement officials are responsible for taking legal action. BLM will provide financial and personnel assistance to enforcement agencies where appropriate, to help eradicate marijuana on BLM administered land.

Implementation

The State Office Special Agent and the State Office Public Affairs Officer will be working closely with the District Managers and the employees to develop action plans for implementing this policy.

Distribution

W.O. 711 (1)

DSC D-559A(3)

Ed Hunter

OREGON'S ACTION PLAN



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

OREGON STATE OFFICE
P.O. Box 2965 (825 NE Multnomah Street)
Portland, Oregon 97208

November 30, 1982

Information Memorandum No. OR-83-45
Expires: 09-30-84

To: Western Oregon D.M.'s, & Chief, Public Affairs Staff, OSO
From: Chief, Division of Operations
Subject: Western Oregon Action Plan - Marijuana Eradication

Enclosed for your review and comment are copies of the following:

- Enclosure 1. W.O. Instruction Memorandum No. 83-93, Marijuana Eradication Policy for BLM
- Enclosure 2. Memorandum to S.D., Oregon from S.D., California; Prototype Program for Marijuana Eradication on Public Lands
- Enclosure 3. "Draft" Action Plan: Protection of Public Lands in Oregon and Washington from Illegal Cultivation of Marijuana

These enclosures will serve as background material (No. 1 and No. 2) as well as a discussion paper (No. 3) on the implementation of a marijuana eradication program in western Oregon.

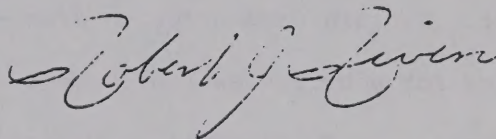
The State Director has tentatively formed an Executive Committee of westside District Managers; Chief, Public Affairs Staff, OSO; Chief, Law Enforcement Staff, OSO; and Chief, Division of Operations, OSO. This committee will be chaired by a District Manager. The charge of the committee is to develop the framework for implementation of a marijuana eradication program on Public Lands in Oregon. Basic staff support will be provided by Oregon State Office (940).

Our first step is to agree on a BLM-Oregon strategy, including staffing and funding estimates. Committee members should be prepared to discuss these and related issues using the enclosures as background and support documents. We propose to initiate this effort at an evening session on either December 8 or 9--time and place to be announced.

The second phase of our effort will be designed to coordinate our efforts with the Federal sector (Forest Service, Drug Enforcement Administration, BLM California, etc.) and other appropriate state/county enforcement programs.

This program is highly controversial and only in the planning stage. In response to the State Director's guidance, I am requesting that you consider this memorandum and enclosures (at least No. 2 and No. 3) as administratively confidential, at least until after our December 8 or 9 meeting.

If you have any questions concerning this memorandum or any of the enclosures, please contact me at your convenience.



3 Enclosures

Encl. 1 - WO IM No. 83-93

Encl. 2 - Memo to SD, Oregon

Encl. 3 - "Draft" Action Plan

Distribution

Director (711) - 1

SCD (D-558A) - 3

Copy -

1. Action Plan: Protection of Public Lands in Oregon and Washington from
Illegal Cultivation of Marijuana

Background:

The cultivation of marijuana in southern Oregon began to increase due mainly to the spraying of the herbicide "paraquat" on marijuana fields in Mexico.

This plus marketing factors have led to the cultivation of a plant known as sinsemilla. This type of marijuana plant is considered to be high quality and ideally suited to the soil and climatic conditions in western Oregon.

The present situation in western Oregon is one of offsetting technologies. Increasingly sophisticated detection and enforcement techniques are being offset by equally more sophisticated and diversified cultivation techniques. This condition plus favorable environmental conditions has caused the migration of marijuana cultivation onto public lands administered by the Bureau of Land Management in Oregon and Washington. Recent statistics indicate that 40 to 60 percent of the marijuana grown in western Oregon is originated on public lands administered by the Bureau.

The cultivation of marijuana on public lands has adverse impact not only on contemporary society in general but is also on a collision course with the legitimate users of public lands in Oregon and Washington. Recreationists, BLM managers, ranchers, miners, and the forest products industry all have been adversely affected in one way or another by this illegal activity.

Policy: (The following is basically a copy of the "Draft" policy being developed by the Washington Office.)

The cultivation of marijuana on the public lands is illegal, and an unauthorized use of the public lands which often has adverse impacts on public resources, public access and safety, and the safety of BLM employees. It is the policy of BLM to work cooperatively with other land management and law enforcement agencies to prevent the cultivation of marijuana on the public lands. BLM managers and law enforcement personnel will coordinate with local law enforcement officials to meet this goal. The local law enforcement agencies have the lead responsibility for taking enforcement and legal action.

Program Guidance:

Our program in Oregon and Washington will relate to the following components of most public land protection efforts:

1. Public Awareness.
2. Staff (BLM) Awareness.
3. Inventory.

4. Detection.

5. Eradication.

Of the five basic components, the Bureau should be actively involved in the first four as they relate to the management of the Public Lands. The fifth component, eradication, should only be on a case-by-case basis and with full support and protection provided by local law enforcement officers.

The following is a detailed explanation of our role under each of these components:

1. Public Awareness:

a. The Public Affairs Staff, OSO, will take the lead in informing the public of the Bureau's and OSO's policy and efforts in eradicating marijuana in the state.

b. Districts will be responsible in their respective areas for responding and keeping the public aware and informed of the problem.

This is a reasonable approach since the districts have a better feel for their own problems, and will be in a better position to evaluate the overall situation, and can gauge their releases accordingly.

c. Public Affairs at the OSO and district levels have to be aware that their publicity could have a double edge effect resulting in either a positive or negative reaction that could jeopardize, in some instances, the safety of the public and/or employees. We need to avoid "over kill" in this area and basically develop a public affairs plan that will compliment and be a part of each district's total public affairs plan.

d. Use of the media, hand-outs, newspaper releases, T.V., etc., i.e., stating policy need for their safety, etc., and requesting citizens to report violations and suspected activities to local authorities.

2. Staff (BLM) Awareness:

a. District Managers will discuss and explain to their respective staffs the Departmental, Bureau and State Director's policy on the cultivation of marijuana on public lands and our procedures and directives on how to comply with this policy.

b. OSO (940) will coordinate and provide specific training to BLM employees in techniques that will reduce personal risks and involvement in physical confrontations relating to marijuana cultivation (and other violations) occurring on the public lands.

c. Based on State Office concurrence and guidance, local law enforcement agreements will be reviewed to determine the level of support (Cooperative Agreement funding and personnel) needed to control the cultivation of marijuana on public lands.

3. Inventory:

a. An employee will be selected at each district to be the contact person to collect all data from employees in their respective districts. Each employee so selected will receive special training to handle these duties.

b. Special forms will be provided to each district for inventory purposes. These forms will contain such information as legal descriptions, county, date and time sighted, number of plants and/or plots, and any other available information pertaining to marijuana cultivation.

c. Information gathered at the district level will be processed first through each district coordinator. Depending upon the district's plans, information will either be submitted to the OSO and/or to BLM Special Agents for dissemination to local authorities. In all instances, copies must be sent within 24 hours to the OSO (945) in a private envelope.

d. The OSO Law Enforcement Staff will maintain a central records system and be responsible to see that information has been disseminated to the proper agencies. OSO will also compile statistical data, as to the cultivation of marijuana on the Public Lands of Oregon and Washington. They will arrange for similar feedback from local State enforcement agencies relative to the incidence of marijuana on BLM lands.

e. Coordination - The Law Enforcement Staff will be responsible for coordinating matters relating to marijuana cultivation with the Washington Office, other local Federal, State officials, and local law enforcement agencies.

4. Detection:

a. Actual detection of marijuana sites on Public Lands will be conducted only by authorized Federal, State, and local law enforcement agencies. Bureau employees (except for Special Agents) must receive permission from the State Director before they participate in or conduct any surveillance activity (includes aerial as well as on-the-ground surveillance).

b. Bureau employees with the permission of their supervisor may provide technical assistance, i.e., interpretation of aerial photographs, high altitude and low altitude photos. This is interpreted to be office support and not on-site field support. (District offices will be responsible for setting up operating procedures and accommodate such requests.)

5. Eradication:

Actual BLM eradication efforts will be limited only to trained and authorized Special Agents, and only under the guidance and direction of the appropriate Federal, State, or local officials.

Activity Plan

The activity plan associated with the support of each of our protection components is divided into three separate phases as described below.

Phase 1. Capability within our existing (district and State Office) funding and personnel levels.

Phase 2. Capability based on the placement of a full-time enforcement officer in the Medford District with additional funds for surveillance action (primarily through expanded cooperative agreements with southern Oregon counties).

Phase 3. Expanded capability to include an additional enforcement officer in the Roseburg District with sufficient funds for surveillance and to support local officials in physically eradicating marijuana plants. Each of these phases is structured around the basic protection components.

ACTIVITY PLAN MATRIX

<u>Component</u>	<u>Phase I</u>	<u>Phase II</u>	<u>Phase III</u>
Public Awareness	*	*	* <u>1/</u>
Staff (BLM) Awareness	*	*	* <u>1/</u>
Inventory	*	*	* <u>1/</u>
Detection		Medford only	* <u>2/</u>
Eradication			* <u>2/</u>
Program Increase in Funds over FY '83 base		 	

* - Indicates operational capability - not one time case by case support.

1/ Includes eastside and westside; also Spokane District Office and western Oregon districts.

2/ Western Oregon districts only.

PUBLIC AFFAIRS PLAN

Situation

On October 14, 1982 President Reagan announced a major Federal initiative against drug trafficking in the United States. In an unprecedented Federal effort, the activities of nine departments and 33 agencies are being coordinated in a planned, concerted campaign against drugs.

BLM is joining the President's attack on drug trafficking by directing a campaign against illegal cultivation of marijuana on the public lands. During the past three years, this illegal activity on Bureau of Land Management-administered lands has increased dramatically. In 1981, the California Department of Justice estimated that marijuana valued at one billion dollars was harvested by growers on Federal lands in California. Law enforcement officers confiscated \$3.3 million worth on lands managed by BLM.

The annual Oregon marijuana crop has been estimated to be worth over \$400 million. The Oregon State Police has estimated that 40-60 percent of the marijuana grown in southwest Oregon is grown on BLM lands. From April to September 1982, the Oregon State and local police seized nearly 6,000 plants on BLM lands in western Oregon. These plants had an estimated street value of \$8.6 million.

While cultivation of marijuana on BLM lands is a problem in California and Oregon, other public land States are beginning to see an increase in this illegal activity. The Federal Drug Enforcement Administration

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estimates there is significant marijuana cultivation in these other public land states: Alaska, Arizona, Colorado, Idaho, Montana, New Mexico, Utah and Washington.

Marijuana growers select public land sites for their plantations because crops can be grown in these remote areas with less risk of detection by law enforcement officials and the public.

Why Be Concerned?

Some marijuana growers on public Federal land are armed, and intimidate, threaten, and assault the public as well as Federal employees and their families. Marijuana cultivation also interferes with the administration of these lands and causes adverse impacts on resources and the environment. These adverse impacts increase as marijuana growing becomes more prevalent in a particular area.

The cultivation of marijuana on public Federal land violates State and Federal laws since it is unlawful to produce an illegal narcotic. The growing of marijuana also constitutes unlawful use and trespass on public Federal land.

Who Grows It?

Marijuana growers on public Federal land usually fall into one of three categories: amateur grower, small entrepreneur, and large organization. It is the large operation which generally causes the most adverse impacts. The financing, hiring and marketing arrangements for large operations

are made by a group of people who may never come in direct contact with the growing operations. Under this system, growers are supplied with all necessary materials and are paid as much as \$200 per day for growing several thousand plants. After harvest, the processing and packaging is usually done at the plantation site. How this product is then delivered to central locations where people distribute it for transfer to a buyer's representative is not known. But it is known that the system makes it possible for people, often in major metropolitan areas, to finance the operations while maintaining anonymity.

Criminal Activity by Marijuana Growers

Until recently, the news media has not covered violence committed by marijuana growers. The majority of the public has an image of marijuana growers as a bunch of "good old boys" when in fact many of them are common criminals who would kill to protect their plantations. Other examples of ancillary crimes committed by marijuana growers include theft, gun battles among rival growers or between growers and thieves, extortion and arson. These violent activities which occur around marijuana gardens have created great danger for law enforcement personnel, Federal employees and legitimate users of the public lands.

On some sites, growers use state-of-the-art electronic surveillance to guard against intruders. The use of trained attack dogs is also practiced. Anyone who approaches a marijuana garden is in jeopardy especially around harvest time. Law enforcement officials estimate that approximately 89 percent of the growers are armed during harvest. Some plantations are also protected by booby traps which have wires attached to hand grenades and shotguns, as well as punji sticks and electric wires. The majority of confrontations between growers and Federal employees or

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the public occur in August and September just prior to and during harvest.

The growers make a major effort to protect the crop at harvest, since this represents the time when the largest investment has been made, the crop has the highest value, and is being cut and organized for removal to distribution points.

Other criminal acts committed by marijuana growers include: shooting at low flying aircraft; poisoning and stealing livestock; poaching; arson of wildlands and Federal buildings; sabotage of Federal vehicles and contract aircraft; destruction of logging equipment; and vandalism of visitors' vehicles and property. Further, due to the large sums of money generated by these crops, organized crime is becoming more actively involved as well as outlaw gangs who offer the growers "protection."

Adverse Environmental Impacts

Marijuana growers do substantial damage to public Federal land resources and the environment. This damage is especially detrimental to wilderness and undeveloped areas which are managed in their natural state.

Plantations are usually formed by cutting down timber and shrubs to form openings for plantings. The growers also cut and modify vegetation to construct trails which are necessary to transport bulky materials to a site. These trails are then camouflaged with phony trails built to lead people away from this area. The activity associated with cultivation also adds to the fire risk in plantation areas and each year results

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in several wildland fires.

Some marijuana growers construct elaborate irrigation systems to cultivate the plants. Water systems are created by installing "tanks" which may hold up to 2,000 gallons of water and thousands of feet of 3/4-inch plastic pipe. Fertilizers are also mixed into the water as part of the irrigation system. Chicken wire, rat traps, and hundreds of pounds of arsenic-based poison are often placed throughout the plantations, usually in riparian zones, to protect the plants from rodents and deer.

The effects of the arsenic residue extend to a much wider area due to raptors and other animals further up the food chain. This residue may also leach into the groundwater which could end up in downstream domestic water supplies. Another potential problem with the groundwater supply is the high nitrogen fertilizer concentrates used on the plantations. The overbalance of nitrogen in streams can have an adverse effect on fish which may not survive in a highly oxygenated environment.

Sheds and buildings are specially constructed to dry the harvested plants, and cabins are also frequently built to provide shelter and living quarters.

Adverse Management Impacts

Marijuana cultivation greatly reduces the ability of Federal agencies to manage public lands in many areas. Federal employees involved in timber projects, cadastral surveys, fire prevention, wildlife and other projects are often afraid to enter plantation areas or are chased away at gunpoint by marijuana growers. This situation is going to have a long-term effect on the management of public land if Federal and State agencies cannot deter the marijuana growers.

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Authority

Most public Federal lands are in propriety jurisdiction. Therefore, State and local laws apply to these areas as well as Federal laws and regulations. Local Sheriff's departments and State law enforcement agencies have jurisdiction over State laws and local ordinances. Federal land management agencies have a responsibility to cooperate with and assist the Sheriff, and State, and other Federal agencies on public Federal land. Federal land management agencies do not exercise authority over the direct enforcement of State laws. In some areas, however, it is common for the local Sheriff or other law enforcement agencies to specifically call upon a Federal land management agency for direct assistance.

The State Attorney General through the Bureau of Narcotic Enforcement and County Sheriffs have authority for enforcement of State narcotics laws. The Federal Bureau of Investigation, Drug Enforcement Administration, Customs Service, and Coast Guard enforce Federal narcotic laws. The Federal law enforcement agencies have generally concentrated their efforts on the supply system rather than at the cultivation level.

Federal statutes provide authority for Federal land management agencies to: 1) regulate occupancy and use; 2) cooperate with States and counties in the enforcement of their laws; 3) aid Federal bureaus and departments in the performance of their duties; 4) make arrests; and 5) report all felonies to proper authorities.

The Bureau of Land Management has the jurisdiction through the Department of Interior to regulate and prohibit any kind of agricultural trespass

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without a permit. The maximum criminal penalties are six months in jail and a \$500 fine.

BLM's Response to the Problem

On November 12, 1982, in an Instruction Memorandum (No. 83-93), the Director set the policy for BLM: "The cultivation of marijuana on the public lands is illegal, and an unauthorized use of the public lands which often has adverse impacts on public resources, public access and safety, and the safety of BLM employees. It is the policy of BLM to work cooperatively with other land management and law enforcement agencies to prevent the cultivation of marijuana on the public lands. BLM managers and law enforcement personnel will coordinate with local law enforcement officials to meet this goal. The local law enforcement agencies have the lead responsibility for taking enforcement and legal action.

The Director said the BLM State Directors should ensure that BLM's program for the prevention of marijuana consists of:

- A central records system where information on marijuana cultivation on public lands will be reported, compiled, updated, and disseminated by the Law Enforcement Staff to proper law enforcement authorities for action.
- Development of an employee awareness program which will help BLM employees conduct their duties in a safe manner when confronted by a situation related to marijuana cultivation on public lands.
- Development of a public awareness program which assists the public generally in knowing the status of BLM's efforts to eradicate marijuana on the public lands, and help them to reduce their personal risk

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when confronted by a situation related to marijuana cultivation on public lands.

- A provision for financial and personnel assistance to enforcement agencies, where appropriate, to help eradicate marijuana on BLM-administered lands.

Central Records System and Financial Assistance

Procedures for these two elements of BLM's marijuana prevention program will be standardized by a task force established in January 1983, and instructions will be issued to field offices before _____.

Employee Awareness

Except for law enforcement personnel, BLM employees concerned with on-the-ground management are not trained to deal with the lawlessness and violence that could accompany illegal marijuana cultivation. The California SO has initiated an employee safety program which includes:

- General Safety Training - BLM law enforcement people and trainers conduct training on what to look for, what to avoid, and how to act if confronted, as well as general information about the cultivation and impact of marijuana.
- Site or Specific Project Training - BLM law enforcement and training personnel provide safety training to crews (such as cadastral survey or mineral inventory crews) going into especially hazardous areas or during hazardous seasons on specific projects. Training is geared to specific situations and problems.

It is suggested that SO personnel responsible for coordinating employee awareness training contact the California SO Office of Public Affairs,

Resources Protection, or Operations Chief for an outline of their training program and their sources of training materials. SOs may also contact the State Bureau of Narcotics or the Drug Enforcement Administration. Both agencies offer good training and have materials available that can be adapted for BLM use.

The marijuana eradication and suppression program very likely will receive less than enthusiastic support from some BLM employees, particularly some of those not concerned with on-the-ground management or law enforcement. The Bureau's commitment to protect the public lands from all illegal uses, including marijuana growing, should be set forth in a memorandum to all employees from the State Director, discussed at all-employee meetings, and spotlighted at every opportunity in employee newsletters.

BLM field offices may wish to acquaint employees with the social aspects of marijuana use as part of their awareness program. Bibliographies of films and publications on drug abuse and prevention are available from the Office of Communications and Public Affairs, National Institute on Drug Abuse, 5600 Fishers Lane, Rockville, MD 20857.

PUBLIC AFFAIRS

Coordination

The Bureau has a limited budget for a public affairs campaign for marijuana eradication and suppression, a problem shared by other Federal land management and law enforcement agencies concerned with the problem. However, by pooling resources and avoiding duplication of informational materials, a comprehensive and effective campaign can be executed. The WO/PAO will, wherever possible, cooperate with the Forest Service and

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Drug Enforcement Administration in the preparation of materials and the carrying out of a coordinated public awareness campaign.

In the Washington Office, the public affairs campaign will be coordinated by the Chief, Office of Public Affairs, and the Assistant Director, Technical Services. At the State level, public awareness activities will be a joint effort of the Chief, Office of Public Affairs, and the Chief, Division of Operations. As the office responsible for recordation of sightings, financing eradication and scheduling manpower, the Chief of the Division of Operations will be the person most knowledgeable about the overall program and the best source of information for the Office of Public Affairs.

At the State and District offices, all public affairs activities should be coordinated wherever possible with the regional and local offices of the Forest Service and the Drug Enforcement Administration, as well as the State and County agencies involved in eradication and suppression. Where legal actions are involved, all public announcements must originate with the office of the U.S. Attorney, U.S. Marshal, State or County Attorney.

Goals

The principal goals of the public awareness campaign will be to:

- Advise the Administration, Congress, other government agencies, public lands interest groups, public lands users, and the general public that BLM is aware of the marijuana growing problem and, within budget and manpower restrictions, the Bureau is doing everything possible to eradicate and suppress marijuana production on the lands it administers;

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- Impress upon present and potential marijuana growers that the production of the narcotic is an illegal use of the public lands and subjects the grower to a possible fine and/or imprisonment;
- Alert users of the public lands to the dangers associated with marijuana production and advise them how to conduct their activities in a safe manner should they encounter a marijuana plantation;
- Heighten public indignation against the illegal use of the public lands, the criminal element the illegal activity attracts to an area, and the infringement on the public's right to safe access and use of the public lands;
- Solicit the employees' and public's assistance in reporting sightings of marijuana plantations or activities that indicate the occurrence of marijuana production in an area.

Key Groups

At a Senate hearing last fall on marijuana production on public lands, it was announced that cattlemen and timber operators had been invited to testify but declined for fear of retaliation by marijuana growers.

These are but two of the user groups who have been or could be intimidated or caught in the "pot cross fire." It is imperative that the Bureau reach the members of these organized groups of public land users, advise them of the possible dangers they face on the public lands, inform them how to conduct themselves to minimize the risks, and seek their support for the Bureau's eradication and suppression program.

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Here is a partial listing to serve as a memory-jogger when establishing contacts with user groups, devising mailing lists, etc.:

Grazers	Off-road vehicle recreationists
Miners	Trappers
Timber operators	Rockhounds
Campers	Birdwatchers
Hikers	Photographers
Fishermen	Hunters
Scouts	

Local thought-leaders should be kept apprised of the Bureau's problem and the actions being taken, and their advice and assistance should be solicited. This means maintaining contact, either in person or by mail, with BLM advisory committee members, grazing boards, local government officials, heads of business and civic organizations, school officials, fraternal organizations, sportsmen's organizations and other community groups.

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PUBLIC AWARENESS CAMPAIGN

<u>Element</u>	<u>Date</u>	<u>Responsibility</u>
<p>1. Begin development of a standardized poster for Bureauwide use, publicizing marijuana growing as an illegal use of public lands; warning public of associated dangers; soliciting public's help by reporting evidence of cultivation. Posters will be designed to allow imprinting local telephone numbers where sightings can be reported anonymously.</p> <p>Depending on money available for public awareness campaign, WO will either print and distribute sufficient copies to SOs or art work will be supplied for printing locally.</p>	Begun 1/20	WO-132
<p>2. Begin development of 20-second videotaped TV public service announcement and announcer-read radio PSAs of various length conveying same message as poster. TV announcements will be formatted to allow for the addition of local telephone numbers where sightings can be reported. Radio announcements will be generic so SOs can rewrite and localize. Master copy of VTR announcements will be sent to SOs for localizing, duplication and distribution.</p>	2/15	WO-133; CASO
<p>3. Begin development of press information kit to include at least a press release, Q&A, a couple of representative black and white photos, and a color slide.</p>	2/15	WO-132; SOs
<p>4. Begin development of VTR, film or slide series suitable for TV news or interview programs or for showing to groups. Select spokesperson(s).</p>	2/15	WO-133; SOs
<p>5. Begin development of one-color handout for Bureauwide distribution. Flier to carry same basic information as posters and radio and TV PSAs, but with more information on dangers posed by marijuana producers and what evidence indicates marijuana is being grown in an area. It would also solicit public's help by reporting, and be designed for imprinting local telephone numbers.</p>	2/15	WO-132

<u>Element</u>	<u>Date</u>	<u>Responsibility</u>
Sufficient copies will be printed for SO distribution, or art work will be provided for local printing.		
6. Develop information on eradication program for insert into speeches; prepare briefing papers.	3/1	WO-132; All SOs
7. Begin scheduling future radio & TV appearances.	4/17	WO-132; All SOs
8. Begin scheduling future briefings for government officials; community leaders, and public land user groups.	4/17	WO-132; All SOs & DOs
9. Complete production of all public awareness materials.	4/17	WO-132; All SOs
10. LAUNCH PUBLIC AWARENESS CAMPAIGN	5/2	All Offices
(a) Brief media with cooperating agencies & distribute information kits.		
(b) Issue press release to media not represented at briefing.		
(c) Distribute radio and TV PSA; posters and handouts.		
11. Begin honoring commitments for radio and TV interviews.	5/2	All Offices
12. Begin briefings for government officials, community leaders, and public user groups.	5/2	All Offices
13. Begin honoring speaking engagements.	5/2	All Offices
14. Set deadlines for future public awareness elements: press releases with progress reports; submitting story ideas to the media, etc.	5/2 — Continuing	All Offices

BONNER REPORT

Ron
your copy.
Love,

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DETECTION OF MARIJUANA PLANTATIONS ON THE PUBLIC LANDS

by

William J. Bonner, Jr.

U.S. Department of the Interior
Bureau of Land Management
Division of Scientific Systems
Branch of Scientific Systems Development
Denver Federal Center, Bldg. 50
Denver, CO 80225

January 1983

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TABLE OF CONTENTS

- 1.0 Introduction
- 2.0 Review of Current Technology and Approaches
- 3.0 Analysis of Strategy of Approach
- 4.0 Scope of Effort and Cost
- 5.0 Recommendations

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1.0 INTRODUCTION

In recent years, the illegal cultivation of marijuana on the Public Lands has become a serious problem. The influx of "pot" farmers onto the Public Lands has created a situation which now poses a threat to both BLM employees who manage the lands and to the public who use the lands. This situation has evolved over the last five years to where it is currently estimated that in California alone, over 40 percent of the total California marijuana crop is grown on the Public Lands. Further, because of climatic and soil conditions, and the remote nature of public lands, they are particularly suitable for the growth of marijuana. As a result, "pot" farmers are increasingly using these lands for their illegal crops. In short, the problem exists to some degree in all the Western States. In fact, recent news articles confirm that the problem exists throughout the country.

BLM's responsibility as a land manager is being thwarted as marijuana growers "take over" more and more public lands and impose their methods of threat and intimidation to prevent citizens from using the lands that rightfully belong to them. Fishermen, hunters, rock hounds, hikers, four-wheelers, loggers, miners, as well as BLM employees who must manage the land are increasingly threatened with bodily harm and harassed by "pot" farmers who have invaded the public lands.

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The magnitude of this problem is evidenced by the ever increasing number of incidents reported by persons using the public lands who have been harassed or even assaulted by these illegal growers. The same is true of BLM employees involved in timber projects, trail construction, and the like. Many times these people stumble onto marijuana plantations and become victims of the violence code of the growers. Consider the potential threat to the public in the King Range National Conservation Area where 18 "pot" plantations were found within one mile of a public beach. In addition, these "pot" farmers have expanded their code of violence to include such devices as booby traps and anti-personnel mines. Trip wires which attach to weapons which fire shotgun shells at knee level, fish hooks hanging at eye level from trees, punji sticks hidden so that the unsuspecting hiker will be injured, and steel traps are some examples of the typical "pot" farmers' arsenal (not to mention his personal hand guns and rifles).

This incipient threat goes beyond the direct approach of physical intimidation. As a result of "pot" farming practices there is an indirect threat which affects the public. Arsenic-based poisons are used to control small animals and rodents. The arsenic residue kills these small mammals and thus extends its deadly effect along the food chain as other animals and birds consume the rodents and, in turn, die. This poison also is leached into water supplies, further complicating the issue, and the poison may ultimately find its way into domestic water supplies. The use of high-nitrogen fertilizers

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also affects groundwater supplies. Since the plants require space and sunshine the grower will clear cut large areas of timber and brush, thus destroying valuable timber resources and creating areas of erosion. These growers also set fire to public lands to create the growing conditions which they require.

From the preceding, it is clear that cultivation of marijuana on Public Lands is creating severe problems. These problems can be defined within the framework of the following three categories.

1. Safety of the Public
2. Resource and Environmental Damage
3. Management of the Lands

Because of these problems, the BLM has established a policy which deals with the eradication of marijuana cultivation on the public lands. The thrust of this policy is to work cooperatively with other land management agencies and with law enforcement agencies to prevent the cultivation of marijuana on public lands. Part of this effort will be a program to detect the marijuana plantations at an early stage and to alert BLM field offices to the exact location of these plantations in order to control access to them and protect the public and BLM employees. This report is concerned with the detection effort.

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2.0 REVIEW OF CURRENT TECHNOLOGY AND APPROACHES

In order to determine the status of the current capabilities of detecting marijuana plantations, an investigation was conducted which included a limited literature review and visits to the facilities of several investigators. Since there was a very short period of time available for this review, the study was limited to contacting only the most prominent investigators. Consequently, this process needs to be extended to encompass the total national effort before a final program is initiated.

2.1 NASA, Johnson Space Center (JSC) Activities

Investigators at JSC have studied the potential of detecting areas associated with the cultivation of marijuana for several years. Their approach has been to utilize Landsat digital data. They have studied the detection problem using advanced image processing concepts. Multiband analysis, single band analysis, and change detection procedures have been investigated. Results of their studies have been minimal, and although they have learned much about the detection characteristics of the plant, they have concluded that the resolution--spatial and spectral--of the Landsat system is inadequate.

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2.2 NASA, National Space Technology Laboratories (NSTL) Activities

Efforts at NSTL have been directed more toward detecting the growth of poppies and coca in foreign countries. These investigations have been conducted through agreements with the U.S. State Department and the foreign governments themselves. At NSTL an aircraft multispectral scanner system was utilized for their studies. Their strategy has been to organize a special program directed toward solving the single problem. In a cooperative program with Mexico they determined the spectral characteristics of poppy plants; built an aircraft multispectral scanner system to detect the poppies; built a ground data processing system to analyze the data; trained the Mexican government in the operation, use, and analysis procedures; and turned the entire system over to the Mexican government. This program was highly successful and points out the need for a very scientific and systematic program. In another program, NSTL has worked with a South American government to determine the feasibility of detecting coca plants and, to a lesser extent, cannabis plants. Once again the program utilized a multispectral scanner flown in an aircraft. However, no specific system was designed for delivery to the cooperating country. In this case, the sensor system was the thematic mapper simulator and it was found that the IR band 5 was the best discriminator of the plants in question.

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Based on the NSTL experience, it has been concluded that the system characteristics for a multispectral scanner system for application to the marijuana problem in the United States are generally definable. Such a system would have a one-milliradian instantaneous field of view (5 meters at 20,000 feet), and would include spectral bands in the visible green, red, and the 1.5 to 1.75 micrometer areas. Optimum bands would have to be determined from extensive field spectrometer measurements. Such a system with its attendant ground data processing system would require a major investment--probably on the order of \$10 million. It would seem such an investment would require a program on a national scale involving cost-sharing by all concerned agencies.

The conclusion is that the subject problem is potentially solvable using an aircraft multispectral scanner system. It is also doubtful that the present NASA thematic mapper has sufficient spatial resolution to detect the marijuana plantations. In either case, a major research and development program would be required before any conclusions can be reached.

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2.3 U.S. Forest Service, National Forestry Applications Program
(NFAP) Activities

The USFS is actively involved in a program to determine the feasibility of using high-resolution aerial photographs to detect the cultivation of marijuana on Forest Service lands. Currently, they are investigating two camera systems which could be utilized in a multilevel strategy to identify marijuana plants. The concept consists of acquiring high altitude ITEK, IRIS II Advanced Panoramic Camera imagery on which potential marijuana plantations will be identified and transfer to a map to determine exact locations. The second aspect of this concept consists flying the KA-85A, 70 Panoramic Camera to positively identify the plantation. Although extensive work has been accomplished utilizing this concept, extensive testing remains to be accomplished before definite conclusions are drawn. However, initial work with these systems has been very encouraging.

In addition to their work with camera systems, the Forest Service is developing a manual which will provide a well-documented process for collecting intelligence information about "pot" farming on their lands. This manual will include chapters on the following:

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- (1) Plant phenology, morphology, and crop calendar
- (2) Photo interpretation keys, and historical site index
- (3) Sensor systems for data acquisition
- (4) Data analysis techniques
- (5) Data base requirements, manipulation, and map display
- (6) Output formats, e.g., maps, tables, photographs, etc.
- (7) Implementation procedures

In the short term, the Forest Service approach is the most likely to succeed. Current observations clearly indicate that the subject plants are photographically detectable and the manualized approach provides a systematic analysis for a program. In the long term, a monitoring strategy which can utilize previous results in conjunction with current data is needed.

2.4 Bureau of Land Management, Scientific Systems Activities

The Division of Scientific Systems at the Denver Service Center (DSC) is utilizing remote sensing data acquired from numerous sensor systems map the vegetation resources on the public lands. This data is incorporated in a geographically referenced data base along with other map related data to form an easily accessed and highly manipulative data set for resource and management evaluations.

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The literature and facility review conducted for this report revealed that the subject plants had a very high propensity for data base manipulation. For example, marijuana cultivation requires some of the following considerations:

- (1) Will not grow above certain elevations--approx. 6000 ft. MSL
- (2) Requires southerly aspects and mild to medium slopes
- (3) Requires cleared areas
- (4) Requires proximity of water
- (5) Road access is important for harvesting

Although the above list is not all inclusive it serves to point out the sensitivity of the plant growth characteristics to data base manipulation. As a result, the DSC program in which data bases are developed provides a logical springboard for use in conjunction with a remote sensing technique to detect the plant. The data base can be used to determine those areas where the plant is most likely to be found and then a sensor system can be flown over the thus reduced area of concern. Applications of this concept can result in significant cost-savings as well as providing local field offices immediate information concerning areas of potential marijuana plantation locations. As these areas are subsequently flown, those exhibiting no indicated marijuana cultivation can be opened to public use or further checked and subsequently opened.

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3.0 ANALYSIS OF STRATEGY OF APPROACH

As previously mentioned, the background research thus far conducted is not all inclusive and consequently more investigation should be accomplished. As a program evolves, this can be done simultaneously with the development effort and results can be incorporated into the project. However, it is obvious that the logical way to attack the subject problem is initially via a data base, and subsequently through high resolution photography to verify the existence of marijuana plantations.

The information gleaned from the background research and presented in section 2.0 of this report clearly shows that the Landsat multi-spectral scanner system is not suitable for use in marijuana crop identification/detection. Although the current system includes a thematic mapper system which has at least one spectral band (5) which appears to be highly correlated with the plant signature, its spatial resolution is inadequate to detect the small fields in cultivation. The aircraft multispectral scanner requirements for a detection system are state-of-the-art but would require an investment in time and dollars that would be hard to justify for any single organization. However, the payoff for a long term detection and monitoring system could be very attractive at an organized and national level.

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It is clear that the approach being pursued by USFS using photo reconnaissance systems is the most likely to succeed in the short term and the approach most easily adopted for BLM purposes. Thus the analysis strategy should include the development of a data base and the use of high resolution photography to verify/detect the presence of marijuana crops.

3.1 Strategy of Approach - Operational

The strategy for detecting marijuana plantations on the public lands on an operational basis should include the following elements:

- 1) Development/creation of a geographically referenced data base to include:
 - a) elevation, slope, aspect
 - b) soils
 - c) precipitation zones
 - d) sources of water
 - e) road network
- 2) Data processing to map potential marijuana plantation locations

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3) Aerial photo reconnaissance of identified areas

4) Data analysis and verification

5) Alert field offices of verified areas

6) Alert law enforcement offices of verified areas

This process should be revised as needed to eventually provide a fully operational program.

3.2 Strategy of Approach - Development

The requirement here is to determine the feasibility of building a system which can positively detect the spectral signature associated with a marijuana plantation. The system required would be a multispectral scanner with a one-milliradian field-of-view and utilizing a multispectral head which is specifically tuned (filtered) to detect the spectral characteristics of the plant. These spectral characteristics would require an extensive study of individual plants and plantations using a field spectrometer to determine the exact bands to be filtered. In addition, the effort would require the development of a data processing system to analyze the digital data collected with the scanner.

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Such a program would be extremely costly. But if results were the determination that the plantations could be detected, the cost could become insignificant in comparison to the results.

Such a system could likely be used on a national level and consequently could meet the needs of all concerned parties.

4.0 Scope on Effort and Cost

The information presented in this section represents general estimates made for the purpose of program planning. Before any project work is initiated, it will be necessary to write a project plan which scopes out in specific detail the project tasks, timetables, and costs.

4.1 FY 83

A test program on some problem areas should be conducted in the spring and summer of calendar year 1983. If possible, this test should include data base development and application as well as collection and interpretation of high resolution photography.

This effort should be coordinated with USFS so that both organizations can benefit from the combined effort. This initial test should be conducted in northern California, where severe problems with marijuana cultivation have been confirmed.

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4.1.1 Staffing

Resources at the DSC will be used in FY 83. However, due to the impact of this program, if approved, some adjustments to schedules will be required. Requirements for this effort are:

- a. Project Manager (1) - Extensive remote sensing background and photo interpretation experience. Experience in development of data bases and their application.
- b. Resource Specialist (1) - Extensive remote sensing and photo interpretation experience. Extensive education and background in resource field.
- c. Physical Science Technician (1) - Extensive photo interpretation and cartographic experience.

The above three individuals would form a core team which would be further staffed in subsequent years.

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4.1.2 Data Requirements

Aerial photography of the test site will need to be collected three (3) times during the growing cycle. In addition, field work and low level verification flights will be required. Special training for photo interpreters will be conducted at the USFS NFAP facility in Houston.

4.2 FY 84

The test program will be expanded in FY 84 to include additional critical sites throughout BLM. High resolution photography and data base development programs will continue.

4.2.1 Staffing

The existing staff shall be supplemented to include:

- a. Resource Specialist (2) - Extensive remote sensing and photo interpretation experience. Extensive education and background in resource field.
- b. ADP Specialist (1) - Extensive computer systems experience to include hardware and software.
- c. Secretary/Typist (1)

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4.2.2 Data Requirements

Data requirements will not vary in type from FY 83 effort.

However, this data will be collected over much larger areas.

4.3 In FY 85, it is felt that a fully operational program can be planned. The core staff of six (6) persons working at DSC in cooperation with field offices will be able to interpret and analyze data over all potential problem areas on the public lands. The actual details of how such a program would evolve are the subject of a detailed project plan rather than this document.

4.4 Cost Estimates

Table 4-1 presents a cost summary by task for the proposed program. These cost estimates are very preliminary and require further investigation. This is particularly true for FY 84 and beyond. As shown in the table, costs peak in FY 85 and descend beyond. This is a result of the fact that once a data base for the public lands is developed that task does not require further effort. Similarly, once the methodology is established and areas of concern related, the total amount of aerial photography required is reduced. Starting in FY 86, the problem has become basically a monitoring activity.

Table 4-1. Preliminary Cost Estimates.

Item	FY 83	FY 84	FY 85	FY 86	FY 87
Personnel	40K	252K	260K	265K	270K
High Resolution Aerial Photography	50K	150K	300K	200K	200K
Large Scale, Small Format Photography	10K	30K	10K	10K	10K
Digital Terrain Tapes (1:24,000)	5K	50K	220K	220K	--
Data Base Development	10K	30K	200K	200K	--
Data Analysis Equipment	10K	60K	60K	10K	10K
Miscellaneous Maps, Film, CCT's, etc.	5K	10K	10K	10K	10K
Research and Development	20K	60K	60K	30K	30K
Travel	12K	30K	40K	30K	30K
TOTALS	162K	672K	1160K	975K	560K

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5.0 RECOMMENDATIONS

It is recommended that BLM initiate a program beginning in FY 83 based on the guidelines provided in section 4.0 of this report. This program should be designed as a cooperative effort with USFS and other land management agencies. The program should concentrate on the use of state-of-the-art capabilities but should also include a supporting developmental effort to ensure that the program effectiveness continues. The staff, as recommended in section 4.0, should be located at the DSC and should be a separate staff from any existing efforts to safeguard against leakage of information. The staff should either report directly to Washington Office or to the DSC Director. The program will require secure facilities with controlled access. Eventual use of National Assets at the classified levels may be anticipated. It is further recommended that BLM work with appropriate organizations to develop a national program utilizing concepts presented in section 3.3. This could eventually evolve into a satellite system supported and inserted into orbit via the space shuttle. This system would be the ideal as it would provide continuous monitoring capability at resolutions which would be sufficient to defeat marijuana industry counter-measures. Finally, it is recommended that DSC be tasked to develop a detailed project plan and cost estimate for the level of effort herein proposed. This effort would not include the latter recommendation for a national program. Such an effort, at the national level, would require an organization such as the Drug Enforcement Agency to take the lead.

5.1 Summary

In summary, the following recommendations are made:

- a. Initiate a limited FY 83 program which will evolve to an operational status in FY 85.
- b. Cooperate as required to develop a national program.
- c. Task DSC to prepare a detailed project plan and cost estimate.

HERBICIDES BRIEFING PAPER

9/5/82

Briefing Paper Control of Marijuana

Herbicides That Could Be Used

Several herbicides can be used for control of marijuana. These are 2,4-D, glyphosate, Paraquat, 2,4,5-T and Diquat. A summary of effects and considerations is enclosed in Table 1. Based on this information, there are two primary alternatives: Paraquat and glyphosate.

Discussion of Health Effects of Paraquat and Glyphosate:

There is a limited information base with respect to inhalation of marijuana containing trace amounts of herbicides, i.e. pyrolysis products either alone or combined.

A. Paraquat is a widely used herbicide for weed control in agriculture. It is highly toxic to mammals, corrosive, and an irritant. Following absorption and translocation, paraquat may invade the kidneys, lungs, liver, muscles, and the central nervous system. Most of the effects on tissues are readily discernable, with the exception of the effects on the lungs. Paraquat can concentrate in the lungs and, depending on the dose, may result in pulmonary edema and hemorrhage leading to pulmonary fibrosis.

A No Observed Effect Level (NOEL) has been established based on several studies. This level was determined to be .0417 µg/liter, after applying a 100-fold safety factor. Based on the expected residues from a standard herbicide application, heavy smokers would not be expected to receive in excess of .001 to .05 µg/liter. Therefore, toxic responses are not expected.

B. Glyphosate is a slightly toxic herbicide, and no known poisonings have been documented. Due to its slight toxicity and the standard short term inhalation studies which indicated no gross pathology, we expect that it may be the safest product to use. However, there is little data on the pyrolysis products in the lung. Glyphosate is slower acting as a herbicide (4-6 days) than is Paraquat which may limit the usefulness of glyphosate.

Environmental Protection Agency Status

No herbicides are specifically registered for the control of marijuana. However, EPA has stated that when Paraquat (or glyphosate) is applied to a site registered on the label (i.e. forestland) according to label directions, then marijuana is just like any other weed and can be treated.

Marijuana Health Effects

Prolonged high doses of marijuana may result in cardiac dysfunction, weight loss, pathologic changes in the lung and behavioral changes. Teratogenic, mutagenic, and other reproductive problems have been reported, but information is scarce. Comparing these problems with the effects suspected from the use of some herbicides, it is difficult to determine which problem is the most serious or if the effects will be compounded.

Application Techniques

Due to the remoteness and inaccessibility of many marijuana plantations, the helicopter is considered the most efficient method of delivering herbicide to the plant. However, due to the steepness of terrain, this delivery system has its limitations. If the helicopter gets low to the plants to avoid drift and ensure treating the plants, there is the danger of the rotor blades hitting the hillside. If the helicopter raises above the target plants to a safe level, then the drift of the herbicide off target is a problem.

We would suggest that "rain nozzles" be used. These nozzles produce very large droplets which fall quickly to the forest floor with little drift even from high elevations.

Vertical booms mounted on telescoping systems or hung from nylon reinforced high pressure hoses could be used but would predispose the aircraft to entrapment or sabotage.

TABLE 1-1

COMPARATIVE RATING OF FIVE HERBICIDES FOR THE
ERADICATION OF ILLICIT DRUG PRODUCING PLANTS

Efficacy				Environmental Hazards			
Herbicide	Amount Destroyed	Speed of Destruction	Drift	Biological Availability (residue)	Toxicity (Mammals)	Toxicity (Fish)	Human Health Hazards ^b
2,4-D	1	3	3	2	2	2	2
Paraquat	1	1	2	1	3	1	2
Glyphosate	1	3	1	1	1	1	1
Diquat	1	2	2	1	3	1	2
2,4,5-T	1	3	3	3	2	2	2

^aThe rating scale is 1 - most desirable 3 - less desirable

^bThe health hazards are those associated with the handling of the herbicides not the hazards associated with inhalation of marijuana contaminated with the compounds.

SOURCE: Study Group on Methods for the Eradication of Illicit Narcotic Crops 1979 p. 84-86.

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